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THE

EDINBURGH REVIEW,

JULY, 1846.

No. CLXIX.

ART. I.—*Gottfried Wilhelm Freiherr von Leibnitz—eine Biographie.* (Life of G. M. Leibnitz.) Von Dr G. E. GUHRAUER. Zwei Bände. 2 vols 12mo. Breslau: 1842.

SAGES and poets have vied with each other in the invention of significant symbols by which to express the littleness of all earthly greatness, and the vanity of all human ambition—not always superior themselves to a secret ambition of obtaining fame even by showing it to be nothing—of being remembered for the beauty and the excellence wherewith they have typified vanity. Like the sculptor employed to ornament the tomb, they have hoped to be celebrated for their eloquent images of death, and their graceful emblems of mortality. Yet neither amongst the devices feigned by art, nor the objects presented to us by the ravages of time—the broken column, the sarcophagus empty even of ashes, the stone inscribed with a silent history, or with half legible characters,—is there any memento of these truths more expressive or more touching, than that which presents itself in the tarnished decorations of a series of portly folios or quartos of a past age, the product of some capacious and restless intellect, which toiled, as was fondly thought and hoped, for immortality—which aspired to be remembered, not merely in Biographical Dictionaries—those crowded Cemeteries of mind—but to hold active and familiar converse with

the mind of successive generations,—to live in perpetual citation on the lips of grateful and admiring readers. Yet are these misjudging aspirants for fame often consigned to the "dust and darkness of the upper shelf;" rarely opened except by some chance visitor, out of idle curiosity,—not from any wish to hold communion with their spirits, or to emancipate even for an instant their imprisoned wit and wisdom. These remains are guarded, it is true, with jealous care, and kept safe behind handsome doors and gratings; but the page is as mute as the voice of him who wrote it; and that supplementary body of ink and paper by which the fond authors hoped to perpetuate their existence, and secure a second and longer life on earth, is dead as the first tenement of flesh and blood, and without a hope of resurrection. To traverse an old library filled with such remains, is like walking through the catacombs of a great city. Could the thought of the utter want of sympathy, the 'cold oblivion' which awaited him, have obtruded itself on the imaginings of those who wrought for immortality, it had been enough to paralyse all their energies, and make the pen drop from their nerveless hands.

We have been led into these gloomy reflections by the lot of that great and shining man, on whose Life and Genius we are about to offer a few remarks. His name is no obscure one; on the contrary, he has achieved, if ever man did, a high European reputation, and his name is laid up with those of the great of all time; and yet we believe there are few, even of the utterly obscure, who, having written so much, are read so little. It is the smallest possible fraction of his works that even those who have troubled themselves to peruse any thing, are acquainted with; while the immense majority, who yet know him renowned for mathematical discoveries and metaphysical theories, have never read a syllable of him.

For this comparative neglect there are more reasons than one. To a certain extent he shares but the lot of all great philosophers. Their condition, in this respect, is far less enviable than that of great poets. The former can never possess so large a circle of readers under any circumstances; but that number is still further abridged by the fact, that even the truths they have taught or discovered, form but stepping-stones in the progress of science, and are afterwards digested, systematized, and better expounded in other works composed by smaller men. The creations of poetry, on the contrary, remain ever beautiful, as long as the language in which they are embodied shall endure: even to translate is to injure them. Thus it is, that for one reader of Archimedes, (even amongst those who know just what Archimedes achieved,) there are thousands of readers of Homer; and of Newton it may

be truly said, that nine-tenths of those who are familiar with his doctrines have never studied him except at second-hand. Far more intimate, no doubt, is that sympathy which Shakspeare and Milton inspire; 'being dead, they yet speak;' and may even be said to form a part of the very minds of their readers.

But this is not the only cause of the almost total neglect of the works of Leibnitz. As he wrote often with great beauty, and on a great variety of subjects, there should be no reason, one might imagine, why he should be less read than many other philosophers whose claims to be remembered are far inferior to his. The cause, we are inclined to think, is owing, in part, to the fragmentary character of his productions: though enormously voluminous, there is almost nothing except his *Theodicée* and his *Remarks on Locke* that can be considered systematic; and he has nowhere, not even in these pieces, given a complete digest of his philosophical system. The great mass of his works consists of occasional papers;—such as his contributions to the *Acta Eruditorum* of Leipsic; and the immense remains of that Literary Correspondence in which he was actively engaged throughout his life, and which included the name of almost every eminent scholar and thinker of the age. In these Letters he continually repeats (as was most natural) fragments of his opinions; so that the reader finds that he has got most of what Leibnitz thought, long before he has read all that Leibnitz wrote, and might here, if any where, take a brick as a specimen of the house.

But yet another cause of this comparative neglect is, that with all his intellectual greatness, few other men have ventured to expound metaphysical theories which depend so absolutely on mere conjecture, or which are less adapted to invite disciples. His *Monads* are unintelligible even to his most devoted commentators; his *Pre-established Harmony* has long since been dissolved; and a score of other theories, and rudiments of theories, which were suggested to his ever active genius, lie scattered in gigantic ruins over the vast field of his labours.

Nor is this all. A very large portion of his writings, as already said, consists of his Letters. Now, not only is the Latin in which he often writes far from being Ciceronian; not only are the theories he defends exploded, or the truths he develops rendered elementary in the subsequent progress of science; but the books cited are long forgotten, the very names of the authors never heard of: even the *doctissimus Hackmannus* and the *illustrissimus Kettwigius* have somehow become obscure:—the allusions are unintelligible, the incidents without interest, the pleasantry insipid.

These causes are at least sufficient to show why we ought not to wonder that Leibnitz for more than a century has been but little read.

But it is well that those illustrious men, whose voluminous writings, for the reasons above assigned, will never be remembered equally with those of the great poet, should have their periodical commemoration; when the achievements by which they benefited their own generation and all time shall be honourably recounted, their portraits brought out of the dust and dampness where they were fading away, and the lineaments retouched and vivified; when some of their most pregnant thoughts and weighty maxims shall be repeated in the ear of mankind; and some fragments of their wisdom rescued from the sepulchre of their *opera omnia*. Even this is better than sheer oblivion. They have influenced the mind of the species some generations back, and through that *indirectly* for ever. It is something more to be permitted to do this *directly*, in modes however limited, and for intervals however transient. Yielding to the instinct of immortality, each grateful shade, thus honoured, will triumphantly exclaim, *Non omnis moriar!*

Such a festival in honour of Leibnitz seems to be now in course of celebration in Germany. 'Old Mortality' is there going his round, and reviving the imagery and inscriptions on the philosopher's tomb; and we could hardly hope to find a more favourable juncture for offering our homage than the present, when his works have just been republished at Berlin, and a new biography composed by Dr Guhrauer.

We shall commence with a sketch of his life, the rather that it is more varied than that of the generality of literary men; so much so, indeed, as to increase in no small degree that wonder which his prodigious attainments are calculated to excite. It is difficult to reconcile so much activity and locomotion with such severe study. He must have learnt that useful lesson of losing no time 'in changing his hand,' as Adam Smith expresses it; and of bringing his faculties to bear with resolute promptitude on whatever, for the moment, exacted attention.

The principal sources of the biography of Leibnitz are the materials left by his friend Eckhart—his Life by Brucker, in the *History of Philosophy*—his well-known *Eloge* by Fontenelle—that by Bailly, first published in 1768, and republished in his *Discours* in 1790—that by Kœstner, published in 1769—the *Memoir* prefixed to several editions of the *Theodicée*, by M. Jaucourt, originally published under the feigned name of M. Neufville—a piece possessing considerable merit, and praised

by no less an authority than Lessing—and the recent work of Dr Guhrauer. This last author has diligently availed himself of every source of information; and has not only corrected some previous errors, but has brought to light some facts hitherto unknown. Many fragments also of the philosopher's writings, which had remained buried in obscurity, enrich Erdmann's recent edition of them. It would seem, indeed, as if these writings were a mine which could not be exhausted. Consisting for the most part of Miscellaneous Papers and Correspondence, they were widely scattered, and were recovered only at intervals. In 1765, appeared a quarto volume of his posthumous works, under the Editorship of Raspe. The principal of these was the commentary on Locke's great work, and is entitled *Nouveaux Essais sur l'Entendement Humain.* This volume is of rare occurrence. The edition of Leibnitz's works by Dutens, in six large quartos, published in 1768, was vainly styled *Opera Omnia.* It does not contain the pieces published by Raspe, for which Dutens, in his general preface, offers no very sufficient reason. In 1805, appeared an octavo collection of unpublished Letters, under the Editorship of I. G. H. Feder.

Dr Guhrauer's work has considerable merit; but it might have been judiciously comprised in one volume, by omitting not a few digressions on collateral subjects, in which, *more Germano*, the author has freely indulged. We shall also have occasion to point out some examples of prejudiced statement, into which the customary idolatries of a Biographer have betrayed him.

One of the most curious things contained in Dr Guhrauer's work is a fragment of *Autobiography.* Fragment as it is, it gives a striking account of the author's childhood and youth, throws a flood of light on his intellectual history, and exhibits all the prominent features of his character—even to its foibles—with a vivacity as amusing as can be found in any composition of a similar kind. As this fragment has never appeared in English, we shall take occasion to gratify the reader by a free translation of two or three paragraphs. Most of the facts are repeated, again and again, in different portions of Leibnitz's miscellaneous writings, but perhaps nowhere else so connectedly or so fully.

Gottfried Wilhelm Leibnitz was born at Leipsic, on the 21st of June 1646. He may be said to have been a foster-child of literature. His father, Frederic Leibnitz, was Professor of Ethics in the university of Leipsic. His mother was the daughter of William Schmuck, another Professor in the same university. His mother's sister was married to John Strauch, Professor in Jena, a celebrated jurist.

The father of Leibnitz was married thrice. He had one son

by his first marriage, and one (the subject of this sketch) by the second. He died September 5, 1652, when the future philosopher was only six years old. He left a moderate fortune, and a valuable library, which last the young Leibnitz soon began to consider the best part of his inheritance. It is with his introduction to these treasures that we commence our brief extracts from the *Autobiography*.

He was sent early to the Nicolai school at Leipzig; but his real education seems to have been carried on by himself, and is described in a whimsical manner in the following paragraph:—

'As I grew in years and strength I was wonderfully delighted with the reading of history, and having obtained some books of that kind in German, I did not lay them down till I had read them all through. Latin I studied at school; and no doubt should have proceeded at the usual slow rate, had not accident opened to me a method peculiar to myself. In the house where I lodged, I chanced to stumble on two books which a certain student had left in pledge. One, I remember, was Livy, the other the Chronological Thesaurus of Calvisius. Having obtained these, I immediately devoured them. Calvisius, indeed, I understood easily, because I had in German a book of universal history which often told me the same things; but in Livy I stuck longer; for as I was ignorant of ancient history, and the diction in such works is more elevated than common, I scarcely in truth understood a single line. But as the edition was an old one, embellished with woodcuts, these I pored over diligently, and read the words immediately beneath them, never stopping at the obscure places, and skipping over what I imperfectly understood. When I had repeated this operation several times, and read the book over and over—attacking it each time after a little interval—I understood a good deal more; with all which, wonderfully delighted, I proceeded without any dictionary till almost the whole was quite plain.'

These self-acquired accomplishments having disclosed themselves at school, Leibnitz tells us that his master was much shocked that his pupil should be making such unauthorized progress in learning.

'My master, dissembling the matter, repairs to those who had the care of my education, and admonishes them that they should take care lest I should interrupt my studies by a premature and preposterous kind of reading; that Livy was just as fit for me as a "buskin for a pigmy;" that books proper for another age should be kept out of the hands of a boy, and that I must be sent back to Comenius or the lesser catechism. And without doubt he had succeeded, if there had not been present at the interview a certain erudite and well-travelled knight, a friend of the master of the house. He, disliking the envy or stupidity of the master, who, he saw, wished to measure every stature by his own, began to show, on the contrary, that it was unjust and intolerable that a budding genius should be repressed by harshness and ignorance; rather, that a boy who gave no vulgar promise was to be encouraged, and furnished

with every kind of help. He then desired me to come to him; and when he saw that I gave no contemptible answers to the questions he put, he did not rest till he had extorted from my relatives permission to enter my father's library. At this I triumphed as if I had found a treasure. I longed to see the ancients, most of whom were known to me only by name—Cicero, Quinctilian, and Seneca, Pliny, Herodotus, Xenophon, Plato, and many a Latin and Greek father. These I revelled in as the fit took me, and was delighted with the wonderful variety of matter before me; so that, before I was yet twelve years old, I understood the Latin writers tolerably well, began to lisp Greek, and wrote verses with singular success. . . . . Indeed, in polite letters and in poetry, I made such progress that my friends feared lest, beguiled by the sweetness of the flattering muses, I should acquire disgust for studies more serious and rugged. But the event soon relieved them from this anxiety. For no sooner was I summoned to the study of logic, than I betook myself with great delight to the thorny intricacies which others abhorred. And not only did I easily apply the rules to examples, which, to the admiration of my preceptors, I alone did, but expressed my doubts on certain points, and already meditated some novel views, which, lest they should escape me, I committed to paper. Long after, I read some things which I had written at the age of fourteen, and was wonderfully delighted with them.'

As to his *doubts*, he tells us that none of his masters satisfied him, but only admonished him that 'it did not become a boy 'to busy himself with novelties, in things which he had not sufficiently studied.' Mean time his friends were possessed by a new fear.

'Those who had the care of my education—to whom my greatest obligation is, that they interfered as little as possible with my studies—as they had before feared lest I should become a poet, so they now dreaded lest I should stick fast in scholastic subtleties; *but they did not know how little my mind could be filled with one class of subjects;* for no sooner did I understand that I was destined for the study of the law, than, dismissing every thing else, I applied myself to that. . . . . And in this way I reached my seventeenth year, happy in nothing more than this, that my studies were not directed according to the judgment of others, but by my own humour; for which reason it was that I was always esteemed chief among those of my own age in all college exercises, not by the testimony of tutors only, but by that of my fellow disciples.'

He graduated as Bachelor of Philosophy in 1663, at the early age of sixteen, and proceeded to his Master's Degree in the same Faculty in the following year. On both these occasions, and on others of a like nature, he manifested the precocity of his metaphysical talents by the subjects selected for the customary disputations.—After giving an account of the dispute which prevented his offering himself for his Doctor's Degree at Leipsic, and sent him to the University at Altdorf, Leibnitz proceeds—

'There,' says he, 'I took my doctor's degree in my twenty-second year, *maximo omnium applausu;* for when I maintained my public thesis, I discoursed with so much facility, and explained myself with so much clearness, that not the auditors only wondered at this new and unusual ἀκρίβειαν, specially in a lawyer, but even those who had engaged to respond, publicly acknowledged that I had excellently well satisfied them.'

Refusing an offer of a Professorship at Altdorf, Leibnitz repaired to Nuremburg. While there, he happened to hear of a Society of Alchemists, who were prosecuting, with the usual success, the search after the 'philosopher's stone.' He was seized with a strong desire to become acquainted with these adepts; but, as he was absolutely ignorant of all their terms of art, he knew not how to negotiate an introduction. Happily he recollected that their ignorance must be quite equal to his own; and so, boldly extracting from the writings of the most celebrated Alchemists, all the most obscure terms he could find, he composed a letter, of which he did not understand a syllable; and from that moment became, if one may indulge in the paradox, as knowing as themselves. What was dark to himself was happily quite clear to these illuminati, who, following their usual instinct for nonsense, or afraid to be supposed ignorant, professed to augur favourably of one who could write so profoundly. They invited him to assist at their conferences, introduced him to their laboratory, and made him their secretary.

While at Nuremburg, he met with a valuable friend and patron in the Baron de Boineburg, Chancellor of the Elector of Mentz. Chance (some say) brought them together at the hotel where Leibnitz was lodging. The Baron, who, amidst his official duties, had never ceased to cultivate science and literature, was struck with the talents and attainments of his young acquaintance. He gave him his counsel,—advised him to attach himself to Jurisprudence and History, as the studies which would furnish him with the best means of advancing himself in life, and exhorted him to repair to Frankfort-on-the-Maine for the further prosecution of those studies: meantime, he promised to endeavour to procure for him some office worthy of his talents in the Court of the Elector. With this advice Leibnitz complied, and at Frankfort abandoned himself entirely to the studies thus recommended. It was there, amidst many distractions, that he composed, in 1667, his little treatise entitled, 'A New Method of Learning and Teaching Jurisprudence.' * This early work displays all his principal characteristics—his vast reading, the acute-

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* *Nova Methodus discendæ docendæque Jurisprudentiæ.*

ness, originality, and comprehensiveness of his mind, and his propensity to form projects too vast for fulfilment, and to make promises which sound something like presumption. This little treatise was in the press when the Baron de Boineburg summoned him to the service of the Elector of Mentz; and the young author, with the new-developed instinct of a courtier, dedicated his work to his patron. In 1668, he followed up his *Nova Methodus*, by his *Ratio Corporis Juris reconcinnandi*,—a 'beautiful project,' as M. Jaucourt calls it—'un beau projet'—nothing less in fact than a new digest of Universal Law.

But the author we have just cited might well ask, 'can we believe that Leibnitz (then little more than twenty-two years of age) had sufficient light for a reform of this gigantic kind?' *A faire un bon livre*, as M. Jaucourt says, is all that could be expected of the splendid talents of any young philosopher—even of a Leibnitz—engaged on such a subject.

In the same year, he also published his treatise *De Arte Combinatoriâ;* in which, though he advances many things which he afterwards saw cause to reject, he displays much of the analytical skill, and originality of conception, which afterwards made him so famous in the field of pure mathematics. The abdication of John Casimir, King of Poland, in 1668, when the elective throne was besieged by a crowd of aspirants, afforded Leibnitz his first opportunity of signalizing his talents in political discussion. Amongst the claimants was the Prince of Neuburg, and Boineburg engaged Leibnitz to support his pretensions. In this, as in one or two other cases, our author was perhaps too easily led to accept the office of advocate, before exercising that of philosopher; to accept a thesis and then examine how it could be supported. Once engaged, however, his philosophic habits of mind soon appear in this as in similar instances; and, rising above the transitory and limited subjects proposed, he expatiates on the condition of Poland, its principles of government, and the qualities it should seek in the monarchs of its choice. Though this *brochure* did not attain its end, Leibnitz was not without his reward. At the instigation of Boineburg he was made a member of the Council of the Elector, a post which he held till 1672. Without neglecting its duties, his ever active mind found time to produce numberless pieces on the most diversified subjects, which secured him extensive reputation, but which it is beyond our limits even to enumerate. One of his greatest projects at this period, but, like many others, never executed, was to revise and remodel the *Encyclopædia* of Alstedius, according to a new method, founded on the relations of the various sciences to each other. A curious publication, which appeared in 1670, was very

characteristic of his literary habits. He had long been of opinion that Aristotle had been depreciated below his real merits, in the necessary recoil against the tyranny of the Scholastic Philosophy. Instead of treating this subject systematically, in the shape of a distinct dissertation, he contents himself with republishing a work *against* Aristotle, written by Mario Nizoli, a native of Modena, so early as 1553, to which our author adds a letter to Thomasius, a preface, and notes!

In 1672, Leibnitz went on a political mission to Paris, where he spent a considerable time, and in a very different way from the generality of foreign visitors of that gay metropolis. He pursued his studies with his usual intensity, but particularly applied himself to Mathematics, in which he frankly represents himself as up to that time comparatively uninitiated. At Paris, in 1672, he became acquainted with Huygens; and the perusal of some of his writings, together with the study of those of Galileo and Descartes, and the Mathematical Fragments of Pascal, inspired him with a zeal in his new pursuit, which, combined with his great inventive talents, soon put him not only in possession of all that had been hitherto discovered, but prompted him to make discoveries for himself.

On the all but exhausted controversy of the Differential Calculus, and of Leibnitz's claims to be considered an inventor, we have little to say in addition to what has been already often repeated; and that little has been suggested solely by the observations which Dr Guhrauer has, in his recent biography, thought proper to make. Our remarks on his statements will occur farther on.

Whilst prosecuting his mathematical studies, Leibnitz noted certain imperfections in the Arithmetical Machine which Pascal had endeavoured to construct; and with his characteristic ambition of attempting all things difficult, he conceived the idea of improving and perfecting it. To this task he devoted considerable time, thought, and money; and he has left a brief account of his success in the third volume of his works.* But he was at length obliged to abandon it; and it thus forms one of the huge pile of projects which he has left incomplete, and which serve only to show the activity and universality of his genius.

In the year 1673 Baron de Boineburg died; and as official duties no longer confined Leibnitz to Paris, he took the opportunity of visiting England, and there became acquainted with Boyle, Oldenburgh, Gregory, Wallis, Newton, and others.

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* Dutens' edition, Vol. iii. p. 413.

Several of the literary and scientific acquaintances he here made, were added to the Contributors to his already vast correspondence.

Shortly after his arrival in England, his patron, the Elector of Mentz, died, (1674,) and Leibnitz resolved to return to Germany, and to push his fortunes in some other direction. Previous to his leaving England, the Royal Society honoured him, and did themselves honour, by enrolling him amongst their members. As soon as he arrived in Paris, he wrote a letter to John Federic, Duke of Brunswick-Lunenburg, to inform him of his situation; and that Prince immediately offered him a place at his Court, a pension, and, what was as much prized, the liberty of remaining in foreign countries as long as he pleased. Availing himself of this permission, Leibnitz remained at Paris five months, chiefly engaged in the prosecution of his mathematical studies. He then returned for a brief interval to England, thence paid a visit to Holland, and took his place at the Court of his sovereign at Hanover, in 1676; and with this Prince and his successors he spent the remainder of his life.

The tastes of the Duke so happily coincided with those of Leibnitz, that he must have been here perfectly in his element. He commenced his duties with the agreeable task of enriching the ducal library with important works and manuscripts. His patron often joined him in his physical and chemical studies; and thus Leibnitz doubtless found it less tedious to play the Courtier, than a philosopher in that situation may be supposed apt to find it.

The Prince died in 1679, but Leibnitz lost nothing by his death; as his successor, Prince Ernest Augustus, then Bishop of Osnaburg, cherished towards him the same sentiments, and retained him in the same employments. He engaged him, however, in one new task, which, had it not been for the eccentric manner in which Leibnitz most characteristically performed it, would have involved a mere waste of time, and, as it was, must have grievously interrupted studies far more important and congenial. It was that of writing the History of the House of Brunswick. Here, as in all like cases, he broke away from the comparatively narrow limits assigned to him; and in the course of his very comprehensive researches, in which he amassed an enormous quantity of materials, (some of them very remotely connected with his proposed subject,) his active mind suggested many novel and sometimes brilliant speculations, in various branches of science; more especially in relation to Geology, (of which he may, in virtue of his *Protogæa*, be called the founder,) comparative philology, and the whole philosophy of history and antiquities. For an ample collection of materials he travelled during the years 1687, 88, 89;—visiting Franconia,

Bavaria, Suabia, Austria, and subsequently Italy.* Libraries, monasteries, convents, abbeys, tombs, public documents, manuscripts, rare books, were all laid under contribution. On his return in 1690, he reviewed the treasures thus acquired, and was surprised to find he was so rich. In collecting materials for the history of Brunswick, his huge drag had brought up all sorts of fragments of antiquity, many of them highly curious. From these accumulations, and from the treasures in Wolfenbuttel, recently committed to his care, he selected the materials of a great work, which he calls *Codex Juris Gentium Diplomaticus*. It is in fact a collection of treaties, declarations, manifestoes, contracts of royal marriages, and public documents of a similar nature. It extended to two folio volumes, the first of which appeared in 1693; the second volume, enriched by communications from Oxenstiern, not till 1700. To the first volume is prefixed a preface, indicating as usual the activity and diffusiveness of his genius, his power of eliciting general truths from the most unpromising facts, and of throwing unexpected light on subjects but little connected with one another.

Another work which originated in the task imposed upon him by the Elector, consisted of his *Accessiones Historicæ*, published in 1698. It is in fact a mass of the odds and ends of his multifarious Collections; many of them rare documents, which had been buried in public libraries, and had escaped the vigilance of previous inquirers. In order to finish here all notice of the series of publications which had their origin in the request of the Elector, we may remark, that it was not till 1707, nearly twenty years after he set out on his travels, that the first portion of any work exclusively bearing on his subject saw the light; and that consisted only of a collection of the writers on the affairs of Brunswick.† The second and third volumes appeared in 1710 and 1711. This extensive work *was* to have been succeeded by a work on the History of Brunswick itself and its Illustrious House; that is, by the work which for twenty years

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* It was during these travels that a curious incident happened to him. He was once overtaken in a small vessel on the coast of Italy by a furious tempest, which the sage skipper attributed to the presence of the heretical German. Presuming him ignorant of the language, he and his crew began to deliberate on the propriety of throwing the 'Lutheran Jonas' (as M. Jaucourt expresses it) overboard. Leibnitz, with much presence of mind, took out a Rosary, which he happened to have with him, and began to tell his beads with vehement devotion. The *ruse* succeeded.

† *Scriptores Rerum Brunsvicensium illustrationi inservientes.*

he had been preparing to write, but of which, alas! only the plan has been published; the unfinished manuscript still lying in the dust of the Royal Library of Hanover.*

In truth, his plan was so whimsically extensive, that it would have taken his life fully to have completed it. The work was to have commenced by a dissertation on the possible state of Germany some thousands of years before the creation; in other words, on its geology. He has recorded his general opinions in an essay entitled *Protogæa*, which appeared after his death, and an abstract of which was inserted in the Journal of Leipzig 1693.

Having thus settled the state of Germany as it was before the creation of man, he was to proceed to a copious account of what it was after that era, but still long before the dawn of authentic history;—to trace the migrations and settlements of the remote tribes and nations which have successively occupied it—treating, by the way, of their languages and dialects;—topics of which it may be difficult for any body but Leibnitz to see the connexion with the history of Brunswick, but which were doubtless infinitely more to his taste.

Having thus, as it may be thought, laid a moderately solid foundation for the pyramid of his projected work, Leibnitz was to set about the history of Brunswick in earnest; of course commencing with the very remotest times, gathering materials from the obscurest sources, gently deviating to the right and left as occasion might or might not require, to take in the history of the various branches of the House of Brunswick, as well as that of all the Houses with which they might have formed alliances, and pleasingly diversifying the matter with collateral disquisitions on various points of heraldry, genealogy, and especially chronology; all which subjects were to be illustrated by an ample appendix of suitable engravings of medals, arms, ancient monuments, and so forth. In short, the work would doubtless have been publishing in successive volumes to this day, if Leibnitz and his patron had lived as long: and subscribers or their heirs would still have been able only to predict the appearance of the *last* volume. We have been more minute than the generality of the biographers of Leibnitz on this subject; because the mode in which he prosecuted his task, the immense gyrations of thought in which he indulged, the number of subjects which were successively taken up, the eagerness with which he pursued each,

* Dr Guhrauer gives us reason to expect that this Fragment will soon see the light.

the gigantic scale on which he framed his plan, and not least of all, the scanty fragments he left of the whole, are so remarkably characteristic of his genius and his habits.

Let us now resume the sketch of his history. In 1699 he was chosen Member of the Royal Academy of Sciences at Paris; and in the following year he induced the Elector of Brandenburg, afterwards King of Prussia, to found an Academy of Sciences at Berlin, of which he was made perpetual President. The publications of this society he afterwards enriched with various valuable contributions.

A communication from Bouvet on the Chinese characters, suggested to Leibnitz another of his life-long projects, doomed like so many others, to be left incomplete,—that of a Universal Language. On this project, more than one able man had toiled before Leibnitz, and more than one has toiled since, but all fruitlessly. It seems in truth to be one of the most hopeless of human schemes. But its very difficulty had charms for Leibnitz; and he expresses himself in many parts of his writings with a confidence of success which is as characteristic as his boldness. He did not think 'that the great men who had preceded him had been 'on the right tack. He contemplated the invention of a totally 'novel system, of which the characters should resemble as much 'as possible those of algebra.' He seems in truth to have expended immense thought upon this subject; yet nothing was found in his papers after his death, except some trifling hints.

He had, it is true, directed a young man to devise and arrange exact definitions of all sorts of ideas—in itself not one of the least difficulties of the projected enterprise, and which Leibnitz had better have reserved for his own shoulders. 'Though he 'applied himself,' says M. Jaucourt, 'to this investigation as 'early as 1703, his life, dissipated by a hundred different occu-'pations, was not long enough for the execution of this design.' That man would in truth have a long lease of life who should live till he had invented a Universal Language.

In the year 1710, Leibnitz published his *Theodicee*—properly speaking, his only complete work; certainly the only one which gives us a just image of the whole intellect of the man. Its principal object is to refute the sceptical views which Bayle had inserted in his *Dictionary*, touching the goodness of God, the liberty of man, and the origin of evil.

We shall make a few remarks on this work in a future page. In the mean time, we may observe that such doubts were entertained of the orthodoxy of Leibnitz, that several able men—amongst the rest, Plaff and Le Clerc—were persuaded he was of the opinions of Bayle himself, and that the *Theodicée* was but a

jeu d'esprit. Never was there a more extravagant charge preferred against any man; it is contradicted alike by the whole internal evidence of the book, by the circumstances which had elicited it, and by the general tone in which he refers to it throughout his correspondence. The accusation could have been founded only on some misconceived ironical expressions, and on the very courteous and charitable tone adopted towards opponents.

In 1711, he was invited to a conference with Peter the Great at Torgau, whither the Russian monarch had come, to be present at the celebration of the marriage between his son Alexis and the Princess of Wolfenbüttel. Leibnitz was highly gratified, and with some reason. In addition to honours and a pension conferred, there was held out the flattering prospect of being associated in the formation of the future Code of that great Empire, which the Czar was meditating creating, and on the provisions of which that Prince consulted him.

In 1714, Queen Anne died. Leibnitz was at Vienna when the King left Hanover for his new dominions, but had an opportunity of paying his homage in 1715, when George I. again visited the Electorate.

From this period the health of Leibnitz, already shattered by frequent attacks of gout, which had grievously tormented him for many years, rapidly declined. As he knew much of most things, and something of every thing, so he had not entirely neglected Medicine, and was a little inclined, as many such men are, to play the doctor in his own case. It is said by some, that the immediate cause of his death was an unhappy experiment with an untried remedy. This event took place, on the 14th of November 1716, in the seventieth year of his age.*

Leibnitz has left behind him a sketch in Latin of his principal physical and mental peculiarities, expressed with his usual frankness, and we might say with a characteristic egotism. From this sketch we extract the following traits. After some whimsical remarks on his temperament and that of his family, he tells us that his 'stature is of the middle height and graceful, his face 'pale, hands generally cold, &c. &c.; his eyesight keen, his 'voice rather shrill than strong; that he had some little difficulty 'in pronouncing the gutturals, especially *h*.' He tells us that 'his night's rest was uninterrupted,' for which he gives us a curious reason---'Quod sero cubitum it, et lucubrationes studiis

* Dr Guhrauer has given a full account of his last illness, Vol. ii. pp. 328-330.

'matutinis longe præfert.'* There are many students who, with the 'same habits, have not experienced the same happy results from 'them. His mode of life from childhood was sedentary; from a 'boy he read much and meditated more, and in most things was 'self-taught, *αὐτοδίδακτος*.' The next is certainly a characteristic trait, but would have been as well recorded by somebody else. 'He was ambitious of more profoundly investigating every 'thing than is customary with the vulgar, and of inventing new 'things.' He also tells us 'he was endowed with a most excellent invention and judgment; and found it no matter of difficulty to apply, in immediate succession, to the most various 'employments; reading, writing, speaking extempore, and investigating any intellectual subject, when necessary, even to the 'bottom.' † He further tells us 'that he was easily made angry, 'and easily pacified; that he was neither very sad nor very 'merry; that his joy and grief were alike moderate, and that 'he more frequently smiled than laughed. *Risus frequentius 'deducit, quam pectus convertit.*'

One or two other traits may be amusing to the reader as parts of a great man's portrait of himself. We give them below. ‡

The intellectual character of Leibnitz is very remarkable, and well worthy of careful analysis. He has been called, and with much justice, 'an universal genius.' His powers were most various and versatile, harmoniously proportioned one to another, and individually vast; each colossal, and all symmetrical. If he failed, and fail he often did, it was not from a deficiency in the powers requisite for the prosecution of science in almost any direction, but from the ambition of universal conquest—of knowing every thing, and achieving every thing. In his desire of gaining new victories, he was too apt to leave behind him provinces but half conquered. Such was his versatility, that, as

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* He often did not retire to his couch at all, but sat till a late hour, took two or three hours' sleep in his chair, and then proceeded to his work again at early dawn. This plan he is said sometimes to have pursued night after night for weeks together. No wonder he had gout, and, towards the close of life, ulcerated and œdematous extremities!

† 'Whence I infer,' says he, 'cerebrum ei esse siccum et spirituosum,' 'that his brain is dry and spirituous.'

‡ 'Conversationis appetentia non multa; major meditationis et lectionis solitariæ. Implicatus autem conversationi satis jucunde eam continuat, sermonibus jocosis et gratis magis delectatus, quam lusu, aut exercitus in motu consistentibus. . . . . Timidus est in re aliqua inchoanda, audax in prosequenda.'

Fontenelle and Jaucourt have observed, he really does not seem to have manifested any predilection for any one branch of science more than another, though it was unquestionably in Mathematics that he was most fitted to excel. His powers of acquisition were astonishing; his memory, like that of most great men, was equally rapid in appropriating, and tenacious in retaining whatever was presented to it. At the age of seventy, he could recite hundreds of lines of *Virgil* without an error; and such was his knowledge of books and their contents, that George I. was wont to call him his 'living Dictionary.'

His attainments corresponded with his versatile powers, and his ever active industry. In every department of science and literature—in metaphysics, physics, jurisprudence, theology, philology, history, antiquities, the classics, and polite letters—he seems to have been almost equally versed, and in all deeply. Realms of learning even then almost neglected, as the Scholastic Philosophy, or merely professionally studied, as the writings of the Fathers, had charms for him. The ancient languages he knew well, and was tolerably acquainted with more than half a dozen of the modern.*

And this versatility, as it appears in his acquisitions, so does it also in his writings, wherein he successively appears in the character of a philosopher, theologian, mathematician, jurist, historian, antiquary, and even—*poet*. It is true, that in this last character, he takes no very high rank. His imagination, though sufficiently active to supply apt illustrations to his argumentative prose, wanted the activity and the brilliancy which can alone make the poet. Yet he evidently regarded with some complacency this feature of his mind; and often mentions a certain feat of his early years with considerable satisfaction—the composition of three hundred verses in one day, and without making a single elision. In another sense of the word, we may say with more justice than Ben Jonson said of Shakspeare, 'that it would have been well if he had made a thousand.'

One striking peculiarity in the case of Leibnitz is, that his ceaseless activity in the accumulation of knowledge, and his great powers of original speculation, vast as they both were, seem to have been indulged in almost equal measure. Usually it is not so. A mind distinguished by much inventiveness,

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* 'Cette lecture universelle,' says Fontenelle with his customary elegance, 'jointe à un grand génie naturel, le fit devenir tout ce qu'il avait lû; pareil en quelque sort aux anciens qui avaient l'addresse de mener jusqu'à huit chevaux attelés de front, il mena de front toutes les sciences.'

generally subordinates to that one quality all the powers of acquisition; and determines the direction, as well as limits the extent, of all mere reading exclusively in relation to it. This is especially the case in minds which, like that of Leibnitz, are distinguished by inventiveness in the departments of abstract science, and most of all in mathematics; where the demands on the excogitative faculty are so great as to leave comparatively little time or inclination for the accumulation of miscellaneous knowledge. Books, in these cases, are merely used as aids to thought; they are tools to work with, and nothing more. Leibnitz loved them for their own sake; he read as much as he thought, and thought as much as he read, and seemed to take equal delight in both, and in all directions. In him the love of knowledge, enormously as it was indulged, was never a mere passive principle; devouring all kinds of books, he yet never mechanically appropriated their contents, but made them his own, by subjecting them to the powerful assimilative processes of his own intellect. The appetite was scarcely disproportionate to the activity of digestion.

It is true, that as it is not given to the human intellect to expatiate over the whole surface of science with the same success with which it can cultivate some one portion of it, so, even in the case of Leibnitz, there can be no doubt that the experiment was attended with a diminution of power; and that, great as he is in several departments, he would have appeared greater still in some one, had he surrendered himself to it with the same diligence and energy with which he abandoned himself to all. No rapidity of association, no fecundity of invention, no acuteness of intellect, can make amends for the want of prolonged and patient meditation concentrated in one direction; and it was to this that Locke probably alluded when, in a letter addressed to Molyneux, dated April 10, 1697, he says of Leibnitz—'Even great parts will not master any subject 'without great thinking, and even the largest minds have but 'little swallows.'

In Physics and Metaphysics his success was not eminent; nor was this to be wondered at. It arose, assuredly, from no want of subtlety or comprehensiveness; but from his love of hypothesis, his fondness for the purely abstract, and his impatience to arrive at a solution. All these prevented a docile observance of the maxims of the Inductive Philosophy. Any theory that plausibly accounted for the phenomena was apt to find favour in his eyes. Indeed, he never seems to have attained any clear views of the limits within which the human understanding can hopefully speculate at all; and pronounces with as much assurance on the ulti-

mate constitution and properties of his *Monads*, as he would upon any commonplace facts whatever. ‘ Monads,’ says he, ‘ are ‘ simple substances which enter into the constitution of compo- ‘ site. . . . Each is a mirror representing the universe, though ‘ obscurely. . . . . Each soul (âme) knows to infinity, knows ‘ every thing, but confusedly.’ *

His very notions on this subject, though frequently repeated in his works, he has never been able to express so as to convey a clear idea of his meaning to his disciples; who, as Brucker has justly remarked, have been involved in hopeless perplexities in their attempts to interpret their master's language. It is obvious, however, mean what he would, or nothing at all, that neither Leibnitz nor any one else could *know* any thing upon this subject. A man might as well put down any incoherent dream that visited him in the night, and call it philosophy. Who could not philosophize at this rate? Can any thing, indeed, more gratuitous be imagined, if it can be said to be intelligible, than that the universe is full of these ultimate Monads, each of which is—obscurely omniscient, a mirror of the universe, and reflects in infinitely multiplied forms the infinitude of changes throughout universal being? It were less strange to say, that every flutter of a gnat's wing was propagated to the utmost limit of the sphere of the fixed stars. In a like strain of confidence does Leibnitz uniformly speak of his *Pre-established Harmony;* he is just as certain of its truth as of the truth of his differential calculus. Indeed, in all departments of science, except the mathematics, it is rather in his comprehensive suggestions of a possible law or principle, than in rigidly establishing it by induction,—rather in his sagacious anticipations of a great truth, than in ascertaining its exact limits, that his chief merit consists. And it is curious to observe in how many different departments of science this tendency of the mind of Leibnitz was manifested. Thus in his *Protogæa*, he throws out thoughts which, as Dr Buck-

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* See *Principia Philosophiæ*, and *Principes de la Nature et de la Grace, fondés en Raison:* passim. Dutens' Edition. Tom. ii. pp. 20–39. Sir James Mackintosh, with his usual charity, endeavours to find a meaning for Leibnitz, and supposes that when he says that each Monad is ‘ a mirror of the universe,’ and ‘ knows every thing confusedly,’ he means nothing more than that ‘ all parts of the universe are connected,’ and ‘ that no part remains the same, when that of any other is changed.’ If this be so, we ask, first—What business has a metaphysician to deliver his doctrines in extravagant metaphor? And, secondly, Whether mere change of relation can be called *knowledge*, (whether distinct or confused,) without the grossest abuse of language?

land observes, contain the germ of some of the most enlightened speculations of modern Geology. In the department of Philology he often makes the most sagacious observations on the history and affinities of Languages, and on the proofs of their identity of origin; and was probably the first to predict the important connexion—so fruitful of results—which would be found to subsist between philological and historical researches; and the light which the former might be made to shed on the latter. In various parts of his writings, he judiciously points out the best methods of improving Medical science. In one of them—a Letter, *Sur la manière de perfectionner la Médécine*—he suggests the importance of a system of complete Statistics of public health and disease; in his controversy with Stahl, he urges the study of Anatomy, then in its infancy; and expresses his confident belief that the time would come when Surgery would be capable of dealing with many diseases that were then the opprobria of medical science.* In other places, he indicates the important bearing of his favourite science, mathematics, on various branches of political and economical philosophy. The merit in all these cases consists in the first germinant thought, (evincing the active and inventive quality of his mind,) rather than in the exact application or full development of it. We may say of such proofs of sagacity, as Sir James Mackintosh said of Horne Tooke's theory, 'the beauty 'was in the original conception, rather than in the accuracy 'with which it was applied.' But it is in these prophetic glimpses of great truths, in almost every department of science,—truths which it was left for after ages fully to evolve and establish,—that this great man entitled himself to a place with almost all the very greatest minds—with Aristotle, with Bacon, and with Newton—in all of whom the same quality was remarkably exemplified. It is given to such minds alone to predict and foreshadow the coming dispensations of philosophy;—to catch from the mountain heights of their contemplations (if we may modify a thought which has occurred to more than one writer) the first radiance of the rising sun, when to the rest of this world's inhabitants he is still below the horizon.

In the variety and grandeur even of his unfinished projects, embracing such different objects, and grappling with such tre-

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* 'Spes est, aliquando aquam inter cutem aliaque noxia non minore certitudine sublatum iri, aliasque aperturas, separationes, reparationes, correctiones, in potestate fore, quæ nunc habentur desperatæ; itaque reipublicæ interest nihil omitti, quod ad spem futuri progressûs facere possit.'—*Opera Omnia.* Tom. II. Pars ii. p. 147.

mendous difficulties, we see the sublime audacity and versatility of his genius; as well as a proof that not even the intellect of a Leibnitz can prosecute successfully half a score of pursuits at once. The *manner* in which he speaks of these unfinished projects, of which he seems hopeful even to the last, no less displays the hardy confidence of his nature,—often degenerating into an appearance of ostentation and vanity; and, in truth, it requires all our knowledge of what he has accomplished to induce us to pardon his unfulfilled promises. His never completed Calculating Machine—his fragment of an Universal Alphabet—his improved Watches which were never constructed—his Hydraulic and Pneumatic engines, which existed only in theory—his Swift Carriages,* which existed only in imagination, were monuments alike of his enterprise and his temerity.

We have said that Leibnitz was equally distinguished by his love of amassing knowledge, and his capacity for original speculation. It is curious to see the intensity with which the purely literary element operated upon him, and the manner in which it is perpetually manifested. Even his closest and most novel reasonings are continually interrupted by references to authors, and citations from their works. He abounds in curious anecdotes of past literature, and takes almost as eager an interest in the *history* of philosophy and science, as in the extension of their limits. This quality, in conjunction with the suavity of his temper, has given one great charm to his general manner. With one unhappy exception—we refer, of course, to the contest respecting the Differential Calculus—it is impossible to imagine a controversial spirit more fair and candid; nor was there ever a taste in literature more catholic than his. He ever seems to differ from others with reluctance,—to diminish the interval of disagreement as much as possible,—and to discover resemblances, where none but himself can perceive them. He has given an amusing account of his efforts, when a youth of only fifteen, during long solitary walks in the wood of Rosenthal near Leipsic, to adjust the claims of the Ancients and Moderns—of Aristotle and Des Cartes; and the reluctance with which, when conciliation was impossible, he was compelled to make an election. His

* In our Railroad era, it is curious to find that one of the extravagances charged upon Leibnitz by one of his traducers, is that of having conceived it possible to construct carriages by which the journey from Hanover to Amsterdam (about 150 miles) might be accomplished in four-and-twenty hours. Leibnitz in his defence affirms that this is too extravagant a charge to be believed! M. Jaucourt says, 'that Leibnitz was not altogether a fool!'

spirit was truly Eclectic; and so far from exaggerating the originality of his own conceptions, he is generally anxious to show that there are some traces of them, more or less faint, to be found in the preceding history of philosophy. Even when threading his way through the most intricate and untrodden wilds of speculation, his truly social spirit loves not to be alone; he delights in searching for traces, however faint, of footsteps that have been there before him, and to follow the *trail* of humanity, as the Indians would say, even though it be only by a broken twig, or the down-trodden grass, or the ashes of a long-extinguished watch-fire.

This fair and liberal spirit certainly forms one of the greatest charms in his controversial writings. It uniformly appears in his judgments on books, in all of which, however worthless, or however opposed to his own views, he is sure to discover some merits; and indeed it was one of his maxims, that no book was ever written that was altogether without value.

We must now say a few words on his principal writings and opinions.

The *Theodicée*, originally written in French, is the work on which the fame of Leibnitz as a metaphysician and theologian principally rests; indeed, it is almost the only composition of his which has any pretensions to be considered complete. Most of what he wrote, as before mentioned, was fragmentary: this work certainly has a beginning, a middle, and an end. It is true that, in accordance with that irresistible bias of his nature on which we have already commented, he manages to interweave many topics which are but remotely connected with his principal subject, while his exuberant learning wells forth in every page. On the whole, however, and looking upon it merely as an intellectual effort, it is certainly not unworthy of his name. Unsatisfactory as may be the main argument, much light is thrown on collateral subjects, and many important, though subordinate topics are treated with great ability. Full of subtlety and acuteness, we admire the originality, even if we do not admit the conclusiveness, of the reasoning. Almost every where we find reflections characterised by German depth of thought, and turned with French vivacity of expression, and these are enlivened by perpetual anecdote, and allusions to literary history. Not only are all the aids of learning, but not a few of the graces of imagination, employed to increase its attractions; while the style, every where perspicuous and elegant, shows the mastery which Leibnitz had attained in the use of a language not his own.

Not the least recommendation of the work is, that, strange as it may seem, the reader may there get a scarcely less ample,

and far more connected view, of Leibnitz's whole system of metaphysics and theology than from all his other writings put together. From the inseparable connexion which his principal speculations in both these domains of science maintained in his own mind, (however we may fail to perceive it, or even doubt whether he always clearly perceived it himself,) and from the wide circuit of thought in which he habitually indulged, almost all his characteristic doctrines come under review in one part or other of this singular work. Not only have we in it his theory of moral and physical necessity, (which might be looked for,) but his doctrine of monads, his pre-established harmony, his law of continuity, his sufficient reason, his notion of the origin of souls, of generation and dissolution, of space and time.

As to his main hypothesis, constructed to account for the origin of evil, and 'justify the ways of God to man,' that has long ago been exploded as unsatisfactory; but it is so, only for the reasons which have made every other attempt of mortals to penetrate that great mystery equally unsatisfactory. We believe that no man ever rose from the perusal of any work on the subject, (if we except the author,) without feeling the conviction that it lies beyond the limits of the human understanding, and that we are absolutely without data for its solution. That evil should have been permitted to enter the universe under the absolute dominion of infinite power, wisdom, and goodness, is a mystery towards the explanation of which man has not made the very smallest conceivable advance. When we are told that this is the 'best of all possible worlds,'—meaning thereby, as Leibnitz takes care to explain, the Universe,—that the absolute exclusion of evil was impossible, and that the least possible mixture of it has been admitted, the appeal, in fact, is to faith and not to reason. The answer to the argument is, 'it may be so; we may perhaps even conjecture some 'grounds of probability for thinking it *is* so; but who shall 'assure us of it?' As a matter of pure reasoning, the argument against this hypothesis may be put in a form which we may defy all philosophy to encounter. First, would not a universe without any evil at all be preferable to a universe with some, however little,—to say nothing of a universe in which it cannot be said there is very little? and, Secondly, can we say that we see any reason why such a universe *could* not be constructed by irresistible power, under the guidance of an infinite wisdom, and both impelled by a goodness equally infinite? We affirm that the *reason* of men can reply to the first of these questions only in the affirmative, and to the second only in the negative. Leibnitz, on the other hand, says 'no' to the first,

and 'yes' to the second. But few will discern his *ratio sufficiens* in either answer. It is evident that he, like every other man who pretends to solve the mystery, arrives at his conclusions by a gross *petitio principii;* or rather the whole work is an example of the ὕστερον πρότερον. The very problem is to reconcile the consistency of the attributes of infinite power, wisdom, and goodness with the phenomena of physical and moral evil; and Leibnitz solves it, by saying in effect that God *is* infinitely wise and good, and therefore cannot but have chosen out of all possibilities, the best; *therefore* a universe free from all evil, or even from less than exists, is a contradiction—the very thing, that is, which is required to be shown.

It is very possible that evil may be absolutely inevitable,—we *believe* so, because it has been permitted;—it is even possible that we might *see* this, if we knew all, and that, when we ask that a universe of sentient, intelligent, responsible beings should be created from which evil should be infallibly excluded, we are demanding an impossibility. All we mean is, that this cannot be proved, but is always taken for granted, in every pretended solution of the difficulty. To the considerations which mitigate the difficulties of the subject, we are not blind, but we deny that they remove them. We are promised a cure of our malady, and we are treated with palliatives; we are told that we shall walk in sunlight, and we find ourselves only in starlight. So is it with the *Theodicée.*

That he is in fact appealing not to reason but to faith, Leibnitz himself often virtually confesses, and never more explicitly than in the following passage:—'Il est vrai qu'on peut s'imaginer 'des mondes possibles, sans péché et sans malheur, et on en 'pourroit faire, comme des Romans, des Utopies, des Severam-'bes; mais ces mêmes mondes seroient d'ailleurs fort inférieurs 'en bien au nôtre: je ne saurois vous le faire voir en détail: car 'puis-je connoitre, et puis-je vous représenter, des infinis, et les 'comparer ensemble? mais vous le devez juger avec moi *ab* '*effectu*, puisque *Dieu a choisi ce monde tel qu'il est.*'* After this, one is only puzzled to think how it was possible to fill two volumes on the subject.

It is curious to observe how apt are all writers on this subject to fall into the same fallacy, and beg the question in dispute—even though they may clearly perceive the rock on which others have wrecked their logic. Thus, Lord Brougham, after having, in perhaps the most profound of his writings, very clearly exposed

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* *Essais sur la Bonté de Dieu,* Part I. § 10.

the fallacy of Archbishop King and others;—after fairly acknowledging that the problem is insoluble, and stating with much lucidity and beauty the mitigations founded on the immense preponderance of indications of benevolent design,—falls into precisely the same error, the moment he ceases to demolish theories, and begins himself to build one. After admitting that death is an evil, he says,* 'That man might have been created 'immortal is not denied; but if it were the will of the Deity to 'form a limited being, and to place him upon the earth for only 'a certain period of time, his death was the necessary conse-'quence of this determination.' Certainly: but why it should have been the will of God to create—not a limited being, for that was inevitable—but a being subject to death and pain, is the very question;—not whether, if God determined to create such a being, his death was inevitable. In such a way we might get rid of the whole difficulty of the great problem, by saying, that if it were the will of God to admit evil into the Universe, its admission was the necessary consequence of that determination. Again, his Lordship says, (p. 72,) 'To create sen-'tient beings devoid of all feelings of affection, was no doubt 'possible to Omnipotence; but to endow those beings with such 'feelings as should give the constant gratification derived from 'the benevolent affections, and yet to make them wholly indif-'ferent to the loss of the objects of those affections, was not 'possible even for Omnipotence; because it was a contradiction 'in terms equivalent to making a thing both exist and not exist 'at one and the same time.' Certainly: but, as before, how is it shown to be necessary that these beings should have been subjected to such loss, or a contradiction to suppose them exempt from it? for this is the very question on which we want light. This sharp-sighted writer has, in a word, been betrayed into the very sophism which he has himself so clearly exposed in Archbishop King, (p. 34.) 'The difficult question then,' says the Archbishop, 'whence comes evil? is not unanswerable. For it 'arises from the very nature and constitution of created beings, 'and could not be avoided without a contradiction.'

But, though we certainly cannot *demonstrate* that this is the 'best of all possible worlds,' and that it was *necessary* that some evil should be admitted, we are far enough from affirming that that faith to which, as we have said, the appeal is sure to be ultimately relegated, is a faith entirely without reason; or that it is destitute of those grounds of probability upon which alone an

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* *Dissertations on Paley*, vol. ii. p. 71.

intelligent reliance on the truths, whether of natural or revealed theology, can be maintained. And here the immensely prevailing character of benevolent design which pervades the Universe, contrasted with the fact that evil always appears either simply concomitant, or involved as a consequence, never as an ultimate end, and that an apparent evil is often found to be connected with real good, is of incalculable benefit as suggesting an approximate solution. And this confidence is yet further increased, when we see that in proportion as our knowledge advances, many of the ancient objections against the wisdom, and some against the goodness of the constitution of the Universe disappear;—that they were in fact nothing more than the offspring of ignorance. We thus learn to believe that all would vanish in like manner if we were but omniscient. The course of reasoning is much the same as that by which we experimentally establish the first law of motion; it is but an approximate solution, yet conclusive: or we are led to suppose that the anomalies which we behold, are like those regressions of the planets which so much perplexed the early astronomers, and which arise from our seeing them from a false centre of observation. Place us in the true centre of the system, and, as science has now shown, all these irregularities disappear. Thus may it also be in the moral world.

> 'All discord, harmony ill understood,
> All partial evil, universal good.'

But, to *believe* this is one thing; to *prove* it, is another.

So strong, however, is the conviction arising from these presumptions, in every well-constituted mind, that probably no man ever reflected, in moments of health, on the exquisite organization of his body and mind, and their evident adaptation to promote his happiness, or looked from them outwards and upwards upon the earth and the sky, and saw how there too almost every thing was adjusted to that organization; that every object was accommodated to our senses, and every sense an inlet of delight; how to the eye all is beauty, and to the ear all music,—without feeling a triumphant consciousness that the Universe must be under the dominion of paternal love; without recoiling from the supposition, as from a most revolting absurdity, that such an Universe can have been the product of malevolence; or that if so, such power and such wisdom should so signally have failed of the end. Nor, probably, has there ever been a sceptic—even he who has brooded longest and most darkly on this most mournful mystery—who has not at times joyfully surrendered himself to this instinctive consciousness,—and felt, with a gush of rapture, that it has at once swept away, as with a pure and healthful

breeze, the vapours which a hypochondriacal metaphysics had diffused over his soul. We confess that we lay more stress upon this instinctive consciousness, for baffling this difficulty, than on the subtlest and profoundest metaphysical reasonings which man ever framed.

Apart from his main hypothesis, Leibnitz states the alleviations of this overwhelming difficulty, and the probabilities which may justify the supposition that 'partial evil is universal good,' with characteristic comprehensiveness; and has illustrated them with much vivacity. Thus he remarks, that many things which once appeared only evil, appeared so only to a shallow philosophy, and that as science enlarged, the asserted anomaly vanished; that some infusion of evil may be necessary to give us the highest possible appreciation of the good; as only he who knows what sickness is, can enjoy the exquisite sensations of health in all their rapture,—a point which he illustrates with a liveliness which reminds the reader of the celebrated passage at the close of Paley's 'Treatise on Natural Theology;'—that two ingredients, one bitter and one sweet, in the cup of destiny, may make a more pleasant draught than the sweet alone. 'Un peu d'acide, d'acre, 'ou d'amer, plait souvent mieux que du sucre; les ombres rehaus-'sent les couleurs; et même une dissonance, placée où il faut, 'donne du relief à l'harmonie.' *

Leibnitz makes the remark, that each man in effect admits that his share of good in life preponderates over the ill;—a fact which he supports by the universal reluctance of men to die; and in reply to the objection that no man is willing to live his life over again, he makes this original and just observation, 'that no 'one would object to take a new lease of life with but a new 'series of events to vary it.' 'On se contenteroit de varier, sans 'exiger une meilleure condition que celle où l'on avoit été.' †

Nor does he forget to insist very largely on the fact, (an essential point in his hypothesis, maintaining as it does, that *some* evil was inevitable,) that the amount of evil in the whole Universe, embracing the ample domains of innumerable worlds, the vast *civitas Dei*, may be as nothing compared with the amount of good; even though that evil may be absolutely fearful in extent, and eternal in duration. The great speculatist treats this tremendous theme with all the coolness of a veteran geometer. The *ratio* of the good to the evil is every thing with him; he deals with the latter, just as he would with a vanishing quantity in his Differential Calculus. It is sufficient with him, that, be the evil ever so great, the good is infinitely greater; and thus disease,

* Essais sur la Bonté de Dieu, &c. Part I. § 12. † Ibid. Part I. § 13.

death, sin, and hell only enter as infinitesimals into his processes of moral (if we may use the phrase) differentiation. We confess that, conclusive as is the reasoning which represents mere geometrical magnitudes as nothing, which are to be compared with quantities 'as many times greater as we please,' we never could derive any consolation from such a species of argument, as applied to those peculiar quantities called 'happiness' and 'misery;' nor be at all more reconciled by it to 'the origin 'of evil.' Each of the beings to whom this logical solace is applied, is a sentient creature, a little world in himself, to whom his weal or woe is no vanishing quantity, no infinitesimal, but a most serious matter; and, as it would be little comfort to such a being, if miserable, that he was but individually a martyr for the universal good,—(on Leibnitz's theory, that his misery was involved in the choice of the 'best possible world,' and that God could not but choose the 'best,')—so we confess we can derive as little comfort from this mode of viewing him.

We might perhaps modestly suggest to the metaphysician, that each of such beings must have before him an *infinity* of misery; but it would be of no use; for he would still have at hand his doctrine of Ultimate Ratios, and his Differential Calculus. He would say that the individual was but an unimportant function of the universe; that the increment of happiness on the whole would be infinitely greater than the increment of misery—though it is true that in each case the weal or woe might be absolutely infinite; and that of two quantities which increase without limit, one may increase so much more rapidly than the other, as not only to increase without limit absolutely, but without limit in the ratio in which it is a multiple of the other.

'The heart of a genuine metaphysician,' says Burke, 'is 'harder than a piece of the nether millstone.' The heart of Leibnitz was not a hard one; but he was too apt to treat of such matters as these, just as he would have treated problems in the higher geometry.

It is, we confess, no alleviation to us to consider as the *final cause* of the permission of evil, that it may possibly augment the joys of seraphim, or in some ineffable way give a piquancy and gusto to the delights of paradise; though, how it can do so, is surely as great a mystery as the 'origin of evil' itself. One would think that those pure and benevolent spirits would consent even to be taxed of some portion of their felicity, if they might thereby but obliterate all evil from the universe; or rather, that this obliteration of evil must necessarily be an augmentation of their happiness. The supposition that any beings could by possibility derive gratification from its *presence*, would, one should

think, rather apply to the opposite quarter of the universe, and form the characteristic, not of angels, but of demons.

It is true, indeed, that when Leibnitz asserts that the permission of evil is essential to the constitution of his 'best of all possible worlds,' he does not expressly say that it is the 'best' inasmuch as it involves the largest possible amount of purity and happiness, and that *therefore* evil was permitted that these might be augmented; but he every where implies it: and as the preponderance of these elements is the only intelligible criterion to us of one system of things being 'better' than another, so the supposition that there is *some* other unimaginable sense in which it can be said that some possible world is the 'best,' and that for *this* reason evil was permitted, is wholly gratuitous.

Viewed in any light, this argument of the permission of so much moral and spiritual evil to many, for the *purpose* of securing the happiness of a greater number, is unsatisfactory. For we shall only have the old difficulty re-appearing under a new form, and at another stage; and shall be just as much perplexed as before, to reconcile with our notions of justice and goodness the destination of myriads to misery, for the *purpose* of enhancing the happiness of some multiple of those myriads. The only answer that could be given would be that conclusive one of the Apostle—'How unsearchable are His judgments, and His ways past finding out,'—an answer with which, for aught we can see, we might just as well have rested satisfied a step earlier in the controversy. The question of the 'origin of evil' is like a great cavern, to which there is no second outlet; we may pass through many passages and labyrinths, but we are obliged to turn back at last, and grope our way out by the same way we got in.

On the supposition that evil was absolutely inevitable, or that the Divine being resolved to permit it, for some reasons consistent with all His attributes, but totally unknown to us, then indeed it is not unworthy of the character of Him whose prerogative it is 'to call light out of darkness,' to subordinate the evil to good, and to yoke the great demon to some useful labour; but to suppose it the *object* of suffering some worlds to be miserable, to render more worlds happy, will always leave a difficulty as trying as the original knot, and not less requiring the sharpest logical shears to cut it.

Leibnitz endeavours to show that evil *was* inevitable,—*natural*, as a certain consequence of moral evil, and *moral*, as a possible consequence of metaphysical imperfection. But we must confess that, in our judgment, he wholly fails to show it. Even Omnipotence, says he, cannot work contradictions. The cause of evil is *privation* of perfection, and that which is finite cannot

have perfection. Most learnedly said, profound metaphysician! But where is the difficulty, especially on your favourite hypothesis of moral necessity?—in other words, that the only freedom which man can possess, or which is intelligible, is, that he should have the power of acting as he wills, while the *will* itself is infallibly determined by motives,—where, we ask, is the difficulty of supposing all intelligent beings so constituted, as that, while still perfectly free on this hypothesis, those motives only should determine them which should determine them for uniform good? They cannot be otherwise than free, you say, while they do not act from physical constraint; and in supposing them so morally constituted as uniformly to obey the dictates of reason, where is there any difficulty, which can be shown to amount to a contradiction, or to limit even Omnipotence? If there be such difficulty, show it. Myriads of beings, Leibnitz admits, *must* have been so constituted to ensure that vast excess of good, which reduces his evil to a vanishing quantity; and why might not *all* have been so constituted?

In this point of view, the advocates of the doctrine of moral necessity, or in other words, (for it is a pity that the ambiguous term, 'necessity,' was ever admitted into the controversy,) of the certainty of all volition as being dependent on motives, do not, to say the least, alleviate the difficulties connected with the 'origin of evil.' That hypothesis was, perhaps, first systematically and fully exhibited by Leibnitz; certainly no previous metaphysician, in as far as we know, had made such strenuous or rational efforts to reclaim it from the charge of encouraging vice as inevitable, or to exempt it from the liability to be confounded with vulgar fatalism.* Again and again does he show that, admitting the doctrine in full, it leaves human conduct just under the same laws and influences as before; impairs no sanction of the one, and diminishes no tittle of the other. Hence exhortations, counsels, persuasion, discipline, chastisement, are full as necessary as ever. Throughout his metaphysical writings, his favourite views on this subject appear; in his *Theodicée*, in his Appendix to that work, in his Annotations on Locke's *Essay*, especially on the chapter on Power; and in the masterly criticisms in both these works on the theories of Hobbes* and other

* We cannot think that Mr Dugald Stewart, in his truly admirable remarks on Leibnitz, has done justice to the views of the latter on this subject, when he attempts to identify his doctrine with vulgar fatalism. He says, 'the scheme of optimism, as proposed by Leibnitz, is completely subversive of the cardinal truths of man's free-will and moral

Necessarians. So comprehensive is his survey of this subject, that there is hardly a fragment of Jonathan Edwards' great work on the *Freedom of the Will*, which may not be found stated with almost equal clearness in some part or other of the writings of Leibnitz; if not with such rigid logical concatenation, yet with a far greater fecundity and aptness of illustration. The great Transatlantic Divine does not, more completely than Leibnitz, demolish that great phantom of the 'liberty of indifference,' which asserts the will to be free only when it acts absolutely without motive, and its highest prerogative to consist in its emancipation from all reason; which, in fact, makes man, as a condition of his responsibility, act in such a way, that if he could act at all, his acts would be absolutely destitute of all moral quality. Whether Jonathan Edwards ever read the *Theodicée* we know not; but if so, he must have been under no little obligations to it.

It may be thought at first, that if we could but admit that chimera of 'a liberty of indifference,' it were easy to account for the origin of evil, or indeed the origin of any thing else; for who could account for the acts of a will which would be a synonym for caprice; or wonder that man, poised for a moment in such a state of 'unstable equilibrium,' should fall? But then, alas! we fear there would be just as much difficulty in proving the existence of

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agency.' He admits, 'that it was viewed in a very different light by the author,' but affirms that 'in the judgment of the most impartial and profound inquirers, it leads, by a short and *demonstrative* process, to the annihilation of all moral distinctions.'—*Preliminary Dissertations to the Seventh Edition of the Encyclopædia Britannica*, p. 127.

It does not appear to us impossible for any one to hold the opinions of Leibnitz on this subject, and yet consistently to deny that *demonstrative* process to which Mr Stewart refers; nor do we think that the latter (habitually candid as he is) has duly appreciated Leibnitz's jealous caution, which breaks out even in the Preface to his *Theodicée*, where he has stated, (pp. 14—19,) with great clearness and eloquence, the differences between the *fatum Mahometanum* and his scheme of moral necessity. He even goes to the verge of what some may think a self-destructive candour. 'Il est faux que l'évènement arrive quoiqu'on fasse; il arrivera, parcequ'on fait ce que y mêne: et si l'évènement est écrit, la cause qui le fera arriver est écrite aussi. Ainsi la liaison des effets et des causes, bien loin d'établir la doctrine d'une nécessité préjudiciale à la pratique, sert à la détruire.' Sir James Mackintosh has made some most judicious observations on this subject, in his admirable Review, in this Journal, of Mr Stewart's above-mentioned *Dissertation*. He concurs with us in thinking, that justice has not been done to Leibnitz on this point. *Edinburgh Review*, vol. xxxvi.

this nonentity, or the *possibility* of its existing in a sentient and intelligent creature surrounded with such enticing forms of real and apparent good, or the moral quality of the blind volitions decreed by it, or the propriety of punishing or rewarding its absurdities—as can be found in the Origin of Evil itself. It would be appealing to that 'Anarch old,'

'Who, by deciding, more embroils the fray.'

Thus are we reduced to inextricable difficulties on all sides. But let us be comforted. We are in no worse condition with respect to this great mystery of the 'origin of evil,' except that it is connected with misery, than with similar inextricable difficulties in every other field of speculation; and which, wherever we speculate, introduce us at last to two propositions, which seem almost parts of a contradiction; but of which we are assured there must be a reconciling harmony, though we cannot detect it. We are inclosed in a narrow prison, shut in with adamantine bars and impassable walls; and when we gaze through the chinks which here and there let in what is after all but a mental twilight, we gaze into the depths of infinity. This every speculator finds. The Chemist analyzes material substances, and analyzes again the products of his analysis, but cannot come to an end. He seems ever almost on the brink of discovering the ultimate organization of matter, which yet eludes and will probably ever elude him; he finds, as Bacon truly said, that 'the subtilty of nature far surpasses the subtilty of either sense or intellect.' The arguments for the infinite divisibility of matter, and for its not being infinitely divisible, are both unanswerable, and yet answer one another. That there is something we call a Cause, we believe, but cannot perceive or trace any thing more than uniform antecedence and sequence. How two substances, such as mind and matter—if they be supposed essentially different—can act upon one another, is an inscrutable mystery; and yet those find themselves pressed with difficulties equally insurmountable, who, to get rid of it, annihilate matter and substitute ideas for it, or annihilate mind and make matter think. In like manner, we cannot refute the doctrine of the absolute certainty of human volitions, as dependent on motive; and can as little eradicate the consciousness which proclaims us to be free, and responsible for our freedom. We see the reasonableness of either assertion, but the *nexus* which binds them in harmony entirely baffles our perceptions.

Happy is he who, recognizing the limits imposed on the speculative powers of man, refuses to chafe at those narrow limits; and, instead of wearing his strength by fruitless efforts to shake the iron portals, or dashing himself against the walls of his pri-

son, is willing to believe it possible that there are many things true which now sound like contradictions; and instead of 'being 'wise above what is written,' whether in the volume of Revelation or of Nature, (which, as Bishop Butler has shown, is inscribed with hieroglyphics equally dark,) commits himself to probabilities where demonstration deserts him, and, in the mean time, awaits that glorious dawn which shall let in, on the child of dust, the light of eternity; and either clear up the mysteries which baffle him, or leave him contented with his ignorance. Ignorant, indeed—infinitely ignorant—with all his knowledge, he will ever be; for it is the necessary condition of a finite intellect, that it will never comprehend those problems which demand an infinite intellect to solve; and it is possible that the full comprehension of the 'origin of evil' may be of the number.

In the present scene of things, at all events, we must acquiesce in something less than demonstration; and most cordially do we concur with Leibnitz, when he says, 'The harmony which is 'found in all the rest of the universe, forms a strong presump- 'tion that we should also find it in the government of man, and 'generally in that of the entire spiritual world, if all were but 'known to us. It becomes us to judge of the works of God not 'less wisely than Socrates judged of those of Heraclitus, when 'he said, "What I understand pleases me well; and I believe 'that the rest would please me no less, if I understood it."' Nor are even the hypotheses men may frame on this without their use, if, without pretending to remove every difficulty, they but assist us in conceiving that there may be methods of explaining this terrible mystery though we cannot perfectly comprehend them. We fully appreciate, for this reason, the sublime passage with which Leibnitz thus closes the first part of his *Theodicée*:—'Those attempts of our reason, in which there is no ne- 'cessity of absolutely confining ourselves to certain hypotheses, 'only serve to make us conceive that there may be a thousand 'ways of justifying the conduct of God; and that all the evils 'we see, and all the difficulties we suggest to ourselves, ought 'not to prevent our believing (when we cannot know by demon- 'stration,) that there is nothing so exalted as the wisdom of 'God, nothing so just as his judgments, nothing so pure as his 'holiness, and nothing more immense than his goodness.'

With such lofty feelings as these, few can sympathize with the ridicule which is poured on the *Theodicée*, by the author of *Le Candide;* even if its mocking author (Voltaire) had confined himself to what was really sophistical in that celebrated work, and had not extended his satire to the whole order of the Universe. If we are reduced to the melancholy alternative

of choosing between an ennobling but illogical faith, and a logical but debasing reason, nowhere better than here could we say—It is wiser to be wrong with Leibnitz than right with Voltaire.

Fond as philosophers in general are of their favourite theories, perhaps there never was an instance of this paternal instinct more striking than Leibnitz's affection for his *Pre-established Harmony.* Of the many theories which have been invented to account for the phenomena of perception, and to get rid of the supposed connexion of mind and matter, none was ever more groundless than this; and yet to none of them have their authors attached the hundredth part of the importance which Leibnitz attached to it. The supposition that the movements of body and of mind are as totally distinct (to use his own favourite and oft-repeated illustration) as those of two timepieces exquisitely correct, and that the former, like the latter, agree only in the perfect simultaneity with which they are performed, is really one of the most monstrous and even self-destroying hypotheses ever framed. According to that theory, to adopt the illustration of Bayle, 'the body of Cæsar 'must have performed all its acts, though it had pleased God to 'have annihilated Cæsar's soul the day after it was created;' or 'as Dr Thomas Brown puts it, the soul of Leibnitz would, 'though his body had been annihilated at birth, have felt and 'acted as if with its bodily appendage—studying the same works, 'inventing the same systems, and carrying on with the same warfare of books and epistles the same long course of indefatigable 'controversy;—and the body of this great philosopher, though 'his *soul* had been annihilated at birth, would not merely have 'gone through the same process of growth, eating and digesting, 'and performing all its other ordinary functions, but would have 'achieved for itself the same intellectual glory, without any consciousness of the works which it was writing and correcting—'would have argued with equal strenuousness for the principle of 'the Sufficient Reason, claimed the honours of the Differential 'Calculus, and laboured to prove this very system of the Pre-established Harmony, of which it would certainly, in that case, have 'been one of the most illustrious examples.' *

Now, what proof can we ever have of the existence of a material world, if we accept a theory, the precise object of which is to sever all connexion between it and the percipient mind? The very machinery of that material world, and its whole series of

* Lectures on the Philosophy of the Human Mind, Vol. ii. p. 116.

movements, are supposed to be concealed behind an impenetrable curtain, and to be wholly independent of the world of mental phenomena. The existence of a material world, therefore, is entirely assumed by the very terms of the theory; and the theory itself is consequently far more naturally connected with a purely ideal system. Indeed, Leibnitz himself seems much more inclined to adopt some modification of that system, than to admit the real existence of the material world, in the ordinary sense of these words. Some curious statements to this effect may be found in the *Eclaircissements*, by which, not without reason, he attempts to remove objections to his theory.* We shall not insist upon other arguments against a theory on which, though it may have found some advocates in the age of Leibnitz, certainly has not a single adherent in our day. To suppose a material world, all the movements of which, so to speak, are parallel and coincident with those of mind, but totally disconnected with them, and created to answer no assignable or imaginable purpose, is surely to impute to the Deity a clumsy, cumbrous, irrational method of procedure. Yet Leibnitz principally values himself on having excogitated a system, which opens to us the most sublime views of the Omnipotence which could thus effect an entire harmony and parallelism, in the infinitely complicated and varied functions of two perfectly heterogeneous and separate substances. And if mere intricacy and superfluous complexity of apparatus were the highest trophy of wisdom, there would be some force in this reasoning; but as long as it is true, that simplicity in the means conjoined with variety in the ends is an attribute of the works of the Supreme Being, we may well doubt whether this theory be any such notable compliment to the Deity. In this system, as well as in every other which the impatience of phi-

* 'Nous concevons *l'étendue* en concevant un ordre dans les coëxistences; mais nous ne devons pas la concevoir, non plus que l'espace, à la façon d'une substance. C'est comme le *tems*, qui ne présente à l'esprit qu'un ordre dans les changemens. Et quant au *mouvement*, ce qu'il y a de réel est la force ou la puissance, c'est-à-dire, ce qu'il y a dans l'état présent, qui porte avec soi un changement pour l'avenir.'—*Opera Omnia*, vol. ii. p. 79. But he expresses himself yet more strongly towards the close of his career. In the last year of his life, in a Letter to M. Dangicourt, he says,—'Je suis d'opinion qu'à parler exactement il n'y a point de substance étendue. C'est pourquoi j'appelle la matière non "substantiam" sed "substantiatum." J'ai dit en quelques endroits (peut-être de la *Theodicée*, si je ne me trompe) que la matière n'est qu'un phénomène réglé et exact, qui ne trompe point quand on prend garde aux règles abstraites de la raison.'

losophers has suggested, for the purpose of ridding themselves of a supposed interaction of two totally distinct substances, our sages forget, while magnifying the sublime views which their respective theories give us of the Divine Power and Wisdom necessary to realize them, that there is a very simple way of still more effectually doing justice to that power and wisdom; namely, by supposing it possible that the Divine Being may effect a mysterious connexion between two perfectly distinct substances, though the philosopher cannot conceive it possible; and in a way which may far more transcendently display the infinitude of the Divine resources, than the realization of any complicated scheme of his could do. But this would just be humbly to admit certain ordinary facts which all the world admits, and few are the philosophers who can submit to that. It is much more pleasant to them, having condescendingly decided for the Deity the question of what is possible and what is impossible, and having relieved Him from the necessity of performing the latter, to devise a scheme which will still afford ample scope for His omnipotence.—On the moral difficulties which beset this and every other theory which would get rid of a material world, we have not spoken. But we cannot help thinking that the Ideal Theory is hardly consistent with the most worthy views of the Creator. Considering the deep, universal, indelible impression of an external world of matter, we can scarcely reconcile it with the supposition of His perfect truthfulness, to imagine Him the projector of a general system of illusion. So strong is the impression of the existence of a material world, that immaterialists have acknowledged that they find it impossible to eradicate it; and we have known disciples of Bishop Berkeley who have ingenuously confessed, that, somehow, the conviction haunted them, that 'the solitary Palm still 'exists in the desert after the traveller has passed it, and is not 'an ideal phenomenon, to be reproduced after a certain interval 'to another mind.' We regard this invincible belief, like the voice of conscience in the moral world, to be a species of Revelation.

Extravagant as the system of *The Pre-established Harmony* may now appear, certain it is that Newton himself would not have ventured to predicate such glorious things of his true system of the Universe, as Leibnitz does of his supposed sublime discovery. It was to be the grand reconciling principle of at least half a dozen different, and in some respects contradictory, theories; it was to bring Aristotle and Plato, Des Cartes and Malebranche into happy harmony; and at once to redound to the glory of God, and silence the controversies of man. It is thus

he speaks of it under his assumed name of *Theophile*, in an amusing passage of the first chapter of his *Dialogues on Locke's Essay*. 'J'ai été frappé d'un nouveau système, dont j'ai lû 'quelque chose dans les journaux des savans de Paris. . . . 'Depuis, je crois voir une nouvelle face de l'intérieur des choses. 'Ce système parait allier Platon avec Democrite, Aristote avec 'Descartes, les scholastiques avec les modernes, la théologie 'et la morale avec la raison. Il semble qu'il prend le meilleur 'de tous côtés, et que puis aprés il va plus loin qu'on n'est allé 'encore.' And so he goes on for two or three pages, with equally or more extravagant promises of this wonder-working theory. The other imaginary Dialogist, *Philalethe*, may well say, 'Vous m'étonnez en effet avec toutes les merveilles, dont 'vous me faites un récit un peu trop avantageux pour que je les 'puisse croire facilement.'

Into the long controversy between Leibnitz and Newton, which so much embittered the latter years of both, we have already declared our intention of not entering further than is rendered necessary by the remarks of Dr Guhrauer; who is disposed, in his zeal to do justice to the memory of his great countryman, to urge those claims not a little unwisely.

Most persons of the present day, who have investigated the subject, have pretty well made up their minds as to the following points: first, that the system of Fluxions is essentially the same with that of the Differential Calculus—differing only in notation; secondly, that Newton possessed the secret of Fluxions as early as 1665—nineteen years before Leibnitz *published* his discovery, and eleven before he communicated it to Newton; thirdly, that both Leibnitz and Newton discovered their methods independently of one another—and that, though the latter was the prior inventor, the former was also truly *an* inventor.

With regard to the *first* of the three points above mentioned, —the alleged identity of the two methods,—Dr Guhrauer is disposed to demur, and contends that the claims of Newton and Leibnitz could not interfere, as they respected two *different* discoveries. Speaking of Sir David Brewster's affirmation, in his *Life of Newton*, that the latter was the *first*, and Leibnitz the *second* inventor, he says, 'There is, in truth, no *first* and no '*second* in the discovery of dissimilar things.'* This we cannot but think uncandid, though he endeavours to justify his

* Es giebt nemlich keinen ersten, und keinen zweiten, in der Erfindung unähnlicher Dinge. Vol. i. p. 180.

views by quoting the opinion of M. Biot, that 'were the 'discovery of Leibnitz to be made even now, it would be con-'sidered a surprising creation, and must still be acquired, sup-'posing nothing more than the method of Newton, as it is contained in his works, existed.' This is not precisely the same as saying that the two things are 'dissimilar,' as Dr Guhrauer boldly affirms; neither do the assertions of Euler, Lagrange, Laplace, Poisson, also referred to by him, amount to as much.

We do not think that the advocates of Leibnitz wisely consult his fame, by advancing claims that certainly are not tenable. To whatever point of perfection beyond Newton, Leibnitz may have carried his Calculus,* we need not hesitate to say, that a decision as to whether the two methods be *essentially* the same or not, may be regarded as a test of controversial candour or perverseness. Any one competently acquainted with both, and not afflicted with polemical *strabismus*, would as soon affirm, that German printed in the German type was a different language from German printed in the Roman type, as affirm that the methods of Fluxions and of Differences were essentially distinct things; or he would as soon affirm that two systems of Stenography, each employing the same principles of abbreviation, and differing only in the characters, were essentially different. Whether Leibnitz was truly an independent inventor of this method—in principle identical with that of Fluxions—is the only question, in our judgment, that really affects his fair fame; and that he *was* so, is now, we may say, all but universally regarded as indisputable. Involved and complicated as the question has been through the passions and prejudices of contemporary controvertists, its solution really depends upon one very simple question, which we are in a much better position to answer fairly than the heated disputants of that age. It is this,—Was Leibnitz capable of committing the vilest literary larceny, and persisting, to conceal it, in a detestably mean and deliberate falsehood? If not, (and there are few but will acquit him, who consider the general frankness and openness of his nature, the freedom with which he communicated his own discoveries, and the candour with which he congratulated others on theirs,) he is entitled to the honours of independent invention. If he *was* capable of such conduct, then no evidence can satisfy the doubter; for there was assuredly one period during which there was a possibility of deriving advan-

* See some excellent remarks on this subject, in Professor De Morgan's *Differential and Integral Calculus*, p. 32-34.

tage from the previous discovery of Newton. The matter stands briefly thus. In the year 1666, Newton, when but twenty-four years of age, was already in possession of the system of Fluxions. Either wishing to exhibit his method in a more perfect form than he had then leisure to impart to it, or desirous of reserving his discovery for his own exclusive benefit, he did not publish it,—though he communicated the outlines of it to some of his friends, and, amongst the rest, to Dr Barrow. The Papers were lent by Barrow to Mr Collins, who, unknown to Newton, took a copy of them, and who showed them to Oldenburg; and as these gentlemen, to use the language of the Royal Society, were very free in communicating to Continental Mathematicians what was going on at home;—as the latter was certainly in communication with Leibnitz as early as the year 1673, when he visited England; and lastly, as both of them saw him in his subsequent visit in 1676, it has been surmised that Leibnitz might thus have either obtained a glance of these Papers, or some significant hints as to their contents. Now this is precisely the weak point in Leibnitz's case; but we venture to say, that it ought not to weigh against the repeated protestations with which he affirms that he had derived no such advantage; and that he was absolutely ignorant of the name, notation, and nature of Newton's system till some time after 1684, when he published his own first exposition of his Calculus. He repeatedly makes this statement; and, amongst other places, in his correspondence with the Abbé Conti, who was anxious to reconcile the angry disputants. It was precisely this charge against his *honour*, implied in the statement of Dr Keill, of which Leibnitz most bitterly complains.

There is one part of the statement just alluded to, and it is virtually justified in the well-known Report of the Committee of the Royal Society appointed to investigate this affair, and which compiled the celebrated collection of papers entitled *Commercium Epistolicum*, which has always appeared to us not only of little weight, as opposed to the solemn protestations above mentioned, but as palpably illogical. We are not aware that the peculiar infirmity in the argument to which we now refer, has ever been exposed, and it may therefore justify us in bestowing a few sentences upon it. As the charge of having possibly seen something explicit on the subject, in the papers, or in the communications of Newton's friends, was but vague, Keill proceeds to say, that the two well-known Letters, which had *certainly* been communicated to Leibnitz through Mr Oldenburg, contain 'indi-'cations of the system of fluxions, sufficiently intelligible to an

'acute mind,* from which Leibnitz derived, or at least *might* 'derive, the principles of his Calculus.'

The first was communicated in June 1676, and the second in October 1676. In the first, Newton gives an expression for the expansion in serieses of binomial powers; as also expressions for the sine in terms of the arc, for the arc in terms of the sine, &c. &c.; but the Letter contains not a hint of his method of Fluxions. In the second, elicited by a reply from Leibnitz, which clearly showed that the German mathematician was in the track of the same discoveries, Newton details the manner in which he first arrived at his method of Series—its application in 1665 to the quadrature of the hyperbola, and the construction of logarithms; and communicates 'many other remarkable things,' to use the words of Montucla. But still, results only are given; no hint is afforded of the methods by which they are attained. 'The method of Fluxions,' says the late eminent Professor Playfair, 'is not communicated 'in these letters; nor are the principles of it in any 'way suggested.' 'Nous remarquons ici,' says Montucla,—in reply to the insinuation that the second letter might have given some light,—'qu' après avoir lu et relu cette lettre, nous y trou-'vons seulement cette méthode décrite quant à ses effets et ses 'avantages, mais non quant à ses principes.' Those principles Newton conceals in a couple of anagrams, consisting of the transposed letters of the sentences which express them.

Now we affirm that it was in the highest degree unjust and inconsequential to say that Newton had afforded, in documents thus guarded, 'indications sufficiently intelligible to an acute 'mind, from which Leibnitz derived, or at least might derive, 'the principles of his calculus.' Newton, it is evident, did not think so. His very object was, whether wisely or unwisely, to keep the matter secret; and it is clear that he thought his reserve and his ciphers would effectually secure that purpose. It is really a species of impertinence, scarcely consistent with the reverence due to Newton's sagacity, to say that what *he* thought sufficiently guarded was 'sufficiently intelligible to an 'acute mind;' and that, while *he* flattered himself that he had rendered the matter sufficiently dark, he had, in the very way in which he proposed the enigma, contrived to solve it!

We may be assured he was far more likely than Keill to judge correctly as to what regarded his secret; nor do we believe there is any one, who will calmly read the Letters in question,

* Keill even goes further,—'His indiciis atque his adjutum exemplis, ingenium *vulgare* methodum Newtonianum penitus discerneret.'—*Commercium Epistolicum*, No. 84.

who will maintain that this great man's sagacity was here at fault. If Leibnitz had really excogitated the differential Calculus out of such materials as these letters, it would have been scarcely a less illustrious trophy of his genius than the discovery of the Calculus itself; while, if he had been able to make any thing at all of the hieroglyphical ciphers, he must have had no less than the skill of that philosopher in Laputa, who, as Swift tells us, was employed in extracting sunbeams out of cucumbers. In case, however, any tyro in the mathematics should think that these ciphers may have afforded some more hopeful basis of discovery, we give them below.*

In further confirmation of the claims of Leibnitz to the honour of independent discovery, it may be remarked, that though no candid man can deny the essential identity of the two methods, the very differences of terms and notation indicate that they were arrived at by distinct trains of thought, and that the subject was regarded from different points of view. The idea of the generation of magnitudes by the motion of a point, a line, or a surface, was the conception from which Newton worked; Leibnitz, from the idea of magnitudes, as consisting of infinitely small elements, and admitting increase or diminution by infinitely small increments or decrements. 'Newton and Leibnitz,' says a candid and competent judge, (Professor De Morgan,) 'had 'independently come to the consideration of quantity, and each 'made the new step of connecting his ideas with a specific nota-'tion.'

It may seem remarkable, that two different men should have made this sublime discovery at the same time, but we must remember, that the necessities of science were simultaneously turning the attention of all the mathematical genius of the age, and even of the preceding one, in the same direction; and that Newton and Leibnitz were both pre-eminently gifted with powers of invention and analysis. Indeed, so far had previous mathematicians paved the way for the solution of the great problem, that we may well say with Professor De Morgan, 'It has, perhaps, not been sufficiently remarked, how nearly 'several of their predecessors approached the same ground; 'and it is a question worthy of discussion, whether either 'Newton or Leibnitz might not have found broader hints

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* 1.)—6 a c c d œ 13 e f f 7 i 3 l 9 n 4 o 4 q r r 4 s 9 t 12 v x.

2.)—5 a c c d œ 10 e f f h 12 i 4 l 3 m 10 n 6 o q q r 7 s 11 t 10 v 3 x; 11 a b 3 c d d 10 e œ g 10 i l l 4 m 7 n 6 o 3 p 3 q 6 r 5 s 11 t 7 v x, 3 a c œ 4 e g h 6 i 4 l 4 m 5 n 8 o q 4 r 3 s 6 t 4 v, a a d d œ e e e e e i i i m m n n o o p r r r s s s s s t t u u.

'in writings accessible to both, than the latter was ever asserted 'to have received from the former.'*

To conclude merely from the coincidence of their discoveries, that Leibnitz must have stolen from Newton, would be as little reasonable as to suppose that Laplace must have had access to some private sources of information, when, by a very difficult analysis, he proved some of the results which De Moivre had attained, but which, in accordance with the contracted spirit of the age, the latter simply announced, carrying his methods as a secret to the grave with him.

That Leibnitz was capable of making this discovery, is no such extravagant supposition as to render it necessary to resort to a charge of plagiarism. It is not, perhaps, too much to say, that his mathematical talents were equal to any thing. The masterly manner in which he expounded the principles of the Differential Calculus, and developed its applications, even if we were to suppose its first hints borrowed from Newton; his admirable labours on the Integral Calculus; the success with which he entered the lists in those intellectual *jousts*, as they may be called, in which the great mathematicians of the day were wont to engage—the difficult problems he solved, and offered for solution; even his minor achievements—his calculating machine—his binary system of arithmetic—we may add, his juvenile essay *De Arte Combinatoriâ*—all show the highly inventive character of his genius, and the subtlety and comprehensiveness of his analytical powers.

If any thing could make us doubt the claims of Leibnitz, it would be a statement of Dr Guhrauer himself—proving, as it would, if true, that Leibnitz was capable of trifling with truth. It is well known that, in 1704, a notice appeared, in the *Acta Eruditorum*, of Newton's Optics. That notice contained a paragraph, which seemed to imply that Newton had been a plagiarist from Leibnitz. The obnoxious sentence given in all accounts of the controversy was as follows:—'Pro differentiis 'igitur Leibnitianis D. Newtonus adhibet, semperque adhibuit, 'fluxiones; . . . . . quemadmodum et honoratus Fabrius, in suâ 'Synopsi Geometricâ motuum progressus Cavallerianæ me-'thodo substituit.'

Newton felt highly indignant at this paragraph, as he well might—even supposing that no charge of plagiarism was intended. Leibnitz constantly affirmed in reply, that it could be interpreted into a charge of plagiarism only by a false and malicious gloss—

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* *Elementary Illustrations of the Differential and Integral Calculus.*

a gloss which the compilers of the *Commercium Epistolicum* had not disdained to avail themselves of; that the very words 'adhibet semperque adhibuit' were intended to imply the difference between the case of Newton and that of Fabri, to whose practice alone the word *substituit* applied.

Now, first, Dr Guhrauer seems to have established the fact, that Leibnitz himself was the author of the obnoxious Review—a fact not much to his credit; secondly, he *affirms* that Leibnitz 'constantly denied any knowledge of the authorship.' If this fact were true, we should hardly know what to think of Leibnitz's regard for truth. But, in reality, there nowhere appears, in as far as we have been able to discover, any proof that Leibnitz either denied knowledge of the authorship, or disclaimed the paragraph. He constantly defends the statement it contains, merely denying that it conveyed or could be intended to convey a charge of plagiarism.* To the benefit of this interpretation we would charitably admit him, since he wishes his words to be so taken; but it is impossible not to suspect that the equivocal sentence was framed with little care as to whether it might not be misunderstood. Indeed, so natural is the interpretation of Newton, and the English mathematicians, that Dr Guhrauer himself adopts it; declares that Leibnitz vainly strove to explain the sentence away; and that it is a proof 'von Leibnitzens wahrer eigenster Meinung 'und Gesinnung gegen Newton.'

'Defend me from my friends,' Leibnitz might well say on this occasion; for if we adopt this interpretation as Leibnitz's true meaning, what are we to think of his shuffling exculpations?

Dr Guhrauer is not a little indignant with Sir David Brewster, for the supposed injustice which, in his *Life of Newton*, he has done to Leibnitz, and to which he frequently refers with much bitterness. Never was a complaint more unreasonable. Our distinguished countryman does not question Leibnitz's claim to be regarded as a true inventor of the Calculus; he merely asserts the undoubted *priority* of Newton's discovery. He expressly affirms, that there is no reason to believe Leibnitz a plagiarist; but that if there were any necessity for believing either to be so, it must be Leibnitz, and not Newton, who is open to the charge. Dr Guhrauer angrily replies, not simply by saying, (which is true,) that there is no sufficient evidence of Leibnitz's having stolen Newton's invention, but by denying the essential identity of the two methods, and by affirming that they are so different as to be considered 'unlike things;'—than which nothing can, in our judgment, be more uncandid.

* Dutens' Edition of his Works, Vol. iii. p. 464, &c.

There is only one statement which, as respects Leibnitz, Dr Guhrauer could fairly find any fault with, in Sir David Brewster's work; and that is, that Keill had a 'right to express his opinion' that the Letters of Newton, of 1676, gave indications from which Leibnitz 'derived, or might derive,' the principles of his Calculus. For reasons already assigned, we do not think that any man had a right to say this; nor that any one could say it, without being of a different opinion from Newton himself, who undoubtedly must have thought that he had not disclosed what he had designed to conceal. With no other statements of Sir David Brewster as regards Leibnitz, are we disposed to find fault. If he has shown any undue partiality in this matter at all, it is not by excessive severity towards Leibnitz, but by undeserved leniency towards Newton; for while he has expressed strong indignation at Leibnitz's atrocious charges of plagiarism against Newton, he has very gently touched the virulent reprisals into which Newton was betrayed; who even declared, at last, that Leibnitz's method was but a plagiarism from Barrow—a charge upon which only the very blindness of polemical animosity could have ventured; for it would equally show whence his own Fluxions might have been derived. It exposed him at once to Leibnitz's quiet sarcasm, 'that if any 'could have been profited by Barrow's instructions, it must have 'been Newton himself.' 'Si quelqu'un a profité de M. Barrow, 'ce sera plutôt M. Newton, qui a étudié sous lui, que moi; qui, 'autant que je puis m'en souvenir, n'ai vu les livres de M. Barrow 'qu'à mon second voyage d'Angleterre.'

As both of these illustrious men could justly claim the honour of the disputed invention, so both, in the conduct of the controversy, and in the virulence of expression to which they were carried, in their reciprocal charges and accusations, exhibit themselves in much the same sorry light as the Philosopher in *Le Bourgeois Gentilhomme*, who begins to lecture the rival masters of dancing and fencing out of Seneca, and ends by forgetting that he is a philosopher altogether. The controversy is indeed an instructive spectacle of human infirmity—showing how passion can cloud the serenest intellects, and inflame the most philosophic temperaments; that its thunder-storms may be found in the highest latitudes—disturbing the frigid poles as well as the burning tropics; that there is no domain of speculation, however remote, or purely abstract, into which it cannot intrude; and that the Mathematician, as well as the Theologian, can exhibit all the rancour of the most vulgar controvertists. There is probably nothing parallel in history, except the controversy between the Nominalists and Realists, who actually began to fight for and against their shadowy universals. Yet even they first added a religious to the

purely speculative element, which they at last introduced to such an extent, that they charged each the other with having committed the sin against the Holy Ghost! Newton and Leibnitz had neither the excuse nor the guilt of this superadded provocation.*

However paradoxical apparently may be the phraseology of Leibnitz, in his first expositions of the Differential Calculus, respecting his infinitesimal quantities, (as, that there are quantities infinitely less than quantities infinitely little, and that of two quantities infinitely great, one may be infinitely greater than the other,) it is plain, that he soon worked his own conceptions completely clear, and gave his abbreviated expressions their true interpretation. The explanations of Leibnitz are in fact often so perspicuous, that they ought to have satisfied every objector; and to have prevented the elegant and ingenious nonsense which Bishop Berkeley ventured upon, in regard to them, more than thirty years after, in his *Analyst*. Thus, among many other places, in an explanatory letter to M. Varignon, in 1701, Leibnitz says:—

'Je ne me souviens pas assez des expressions dont je puis m'être servi; mais mon dessein a été de marquer qu'on n'a pas besoin de faire dépendre l'analyse mathématique des controverses métaphysiques, ni d'assurer qu'il y a dans la nature des lignes infiniment petite à la rigeur, en comparaison des nôtres, ni par conséquent qu'il y a des lignes infiniment plus grandes que les nôtres. C'est pourquoi afin d'éviter ces subtilités j'ai crû que pour rendre le raisonnement sensible à tout le monde, il suffisait d'expliquer ici l'infini par l'incomparable, c'est-à-dire, de concevoir

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* One other unjust statement of Dr Guhrauer's, we cannot pass unnoticed. The unhappy controversy on the Calculus commenced, it is well known, by some slight skirmishes in the year 1699, when Fatio insinuated, that the applause which Leibnitz was receiving for his Differential Calculus, (first given to the world by him in 1684,) would be more justly bestowed on Newton—its first inventor. Dr Guhrauer is pleased to intimate that Newton was privy to Fatio's attack, and prompted it. This is most unjust, as it is in express contradiction to Newton's assertion, that he knew nothing of Fatio's intention, and was no party to it. In several other places Dr G. insinuates, that it is easy to see that Newton was behind the curtain in the early attacks on Leibnitz, (vol. i. p. 303,) though he did not choose to appear in the controversy himself. Whether it was wise or not in Newton to stand so long aloof—whether it was in sullen pride or real magnanimity—from confidence in his claims, or dislike of controversy—certain it is, that during all the earlier stages of the dispute he remained silent; and being so, no man has a right to charge on him, without explicit evidence, the language of his adherents, whose just pride in the reputation of their countryman is quite sufficient to account both for the rashness of their zeal, and the intemperance of their expressions.

des quantités incomparablement plus grandes ou plus petites que les nôtres; ce qui fournit autant qu'on veut de dégrés d'incomparables, puisque ce qui est incomparablement plus petit, entre inutilement en ligne de compte à l'égard de celui qui est incomparablement plus grand que lui. C'est ainsi qu'une parcelle de matière magnétique, qui passe à traverse du verre, n'est pas comparable avec un grain de sable, ni ce grain avec le globe de la terre, ni ce globe avec le firmament.'

Dr Guhrauer is very severe on the 'narrowness of mind' implied in Newton's concealing his Fluxions under ciphers, in his correspondence with Leibnitz; and contrasts it with the frank and manly conduct of the latter, when, in his reply to Newton's second Letter, he communicated the principles of his Calculus to his rival. It ought at all events to reconcile Dr Guhrauer to Newton's procedure, that it formed in fact the safeguard of Leibnitz's claims; for had Newton disclosed his secret, it would have been impossible to establish them.

We must now conclude, though we could have wished to add a few observations on several other matters;—on Leibnitz's religious opinions,* and theological controversies—especially with Clarke, Bossuet, and Pelisson,—on his political and diplomatic life, in which, with his accustomed versatility, he seems to have been as much at his ease as in literature and

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* Of Leibnitz's reputed adoption of the doctrines of Romanism, we have said nothing. It is certain that if he adopted he never avowed them, nor did he ever join the Romish communion. If the unfinished manuscript, called the *Systema Theologicum*, (not so entitled by him,) really expresses his views, it is, as Dr Guhrauer observes, 'in opposition to all his other writings, and to his whole life also.' Dr Guhrauer's remarks on its origin and purport may be found in Vol. ii. pp. 32–34. He also treats the whole question of Leibnitz's opinions on this subject very ably in Vol. i. pp. 340–358. It is at the same time certain, that Leibnitz's tolerant temper, the eclecticism of his philosophy, which always disposed him to find points of reconciliation in opposing systems, whether those of Aristotle and Des Cartes, or of Rome and Luther, his reverence for antiquity, cherished by his profound historical researches—all predisposed him to regard the differences between Romanists and Protestants as far less important than they are. In the attempt to negotiate a reconciliation between them, he expended no small portion of his time and energies, and, in his controversy with Bossuet, he sometimes makes far too liberal concessions for that object.—It is not a little curious, and highly characteristic, that he always flattered himself that he was in possession of a metaphysical solution of the Doctrine of Transubstantiation. In this instance at least he verified a naïve assertion he was accustomed to make respecting himself,—'That to him, unlike the generality of people, all difficult things were easy, and all easy things difficult.'

science,*—on the influence he exerted on Literature as the centre of all the literary commerce of the age—an influence which Mr Stewart has so justly appreciated, and finely illustrated in his well-known *Dissertation.* But on all these topics our space compels us to be silent, while on others we gladly content ourselves with referring to the admirable criticisms of the last-mentioned writer, and his other illustrious coadjutors, Sir James Mackintosh and Professor Playfair, in their associated Dissertations on the History of Metaphysical, Ethical, Mathematical, and Physical Science.† In each of these, Leibnitz is made, so to speak, to re-enter; for while few other names appear in more than one of them, he is of sufficient importance to be subjected to a fresh examination in all. So various, indeed, are the phases of his character and genius, so numberless his accomplishments, that we may apply to him the well-known lines of Dryden, divested of the satire which was designed in their original application—

> 'A man so various that he seem'd to be
> Not one, but all mankind's epitome.'

Art. II.—1. *Exploration Scientifique de l'Algérie pendant les années* 1840, 1841, 1842. *Publiée par ordre du Gouvernement, et avec le concours d'une Commission Académique.* (*Sciences Historiques et Géographiques.*) 8vo. Tom. I., II., III. Paris: 1844.

2. *Le Sahara Algérien; Etudes Géographiques, Statistiques, et Historiques, sur la région au Sud des Etablissements Français en Algérie: ouvrage rédigé sur les Documents recueillis par les soins de* M. le Lieut.-Col. Daumas, *et publié avec l'autorisation de M. le Ministre de la Guerre.* 8vo. Paris: 1845.

3. *Les Khouan, Ordres Religieux chez les Musulmans de l'Algérie.* Par M. le Capitaine de Neveu, Membre de la Commission Scientifique. 8vo. Paris: 1846.

The occupation by France of a large territory upon the northern coast of Africa, and the vast amount of treasure and num-

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* Of this, a proof rendered more especially remarkable by long subsequent events, is furnished in a Memorial addressed by him to Louis XIV., proposing that memorable plan for keeping some of the chief nations of Europe in check, afterwards attempted to be consummated by Buonaparte; namely, the *conquest and colonization of Egypt.* Of this posthumous Piece, an English translation was published in London, in 1803, but which seems now entirely forgotten.

† Prefixed to the Seventh Edition of the *Encyclopædia Britannica.*

ber of troops which have been employed to maintain her dominion over the Arab Tribes, are measures which cannot be fairly appreciated by the repulsive incidents of a protracted warfare, or by the slender results hitherto derived from the possession of the former territories of Algiers. It is acknowledged by the most enlightened partisans of the French enterprise, that very little progress has hitherto been made in the right direction, although no army can have displayed more individual bravery, or a more constant indifference to hardships of every description. The attempts to colonize and administer the country have not been more successful; for the maintenance of the army is the one great necessity to which the civil interests of the dependency have been sacrificed. Every thing in Algeria has as yet been organized for permanent warfare. No one has ventured to prepare for peace, as the probable or habitual state of the country. On the contrary, when it has happened that Marshal Bugeaud, and the officers supposed to be best acquainted with the policy of the Arab tribes, and the resources of Abd-el-Kader, have proclaimed that they had secured the submission, if not the pacification, of the land, the Emir, with his winged horsemen, has been soon again seen in the highlands of the Djerjera, or at the gates of Algiers.

Where the results of a great enterprise are so doubtful, or hitherto so disastrous, there is little, either in military operations or in civil administration, that merits the attention of the reflecting observer; and it is no part of our present purpose to enter into any details concerning this as yet unprofitable warfare. But we gladly avail ourselves of the appearance of the volumes named at the head of this Article, as yet but little known amongst us, to improve, by means of their instructive contents, the very limited knowledge we possess of that singular population which has been called upon to renew, in the nineteenth century, the ancient combat of the Crescent and the Cross; and to dispel to a certain extent the extreme ignorance of the geography of a part of Northern Africa which still prevails in Europe.

The French, upon their first landing on the coast of Africa, in 1830, were almost as unacquainted with the character of the people they were eventually to encounter upon that shore, as Columbus was with that of the inhabitants of the New World, when he first cast anchor off Hispaniola. They knew that a Turkish Dey of Algiers had insulted a French Consul; and that France was to be avenged. The expedition succeeded. The Dey, the Turkish troops, the Turkish administration, the Turkish treasures, and all traces of the Turkish conquest, vanished with inconceivable rapidity. The French found themselves invested with the government of a country of which they knew not

the extent, the population, or the character; and opposed by a people whom they have since learned to know by the sternest lessons of fanaticism and war. This ignorance may seem extraordinary, when we remember that the coast of Algiers lay within a few hours' sail of France and Italy; but it was unavoidable and universal. The States of Barbary had continued, down to a very recent period, to practise upon the most frequented sea of the civilized world, enormities which we should not now leave unpunished in the recesses of the Eastern Isles. Algiers was a nest of robbers by the side of the high-road; and that was nearly all we knew about it. The geography of Barbary could only be studied, in the compendium drawn up by Leo Africanus for the instruction or amusement of his Pontifical patron; or in the scanty though scholarlike pages of honest Dr Shaw, who held for some years the post of Chaplain to the English Factory at Algiers, and published the first edition of his Travels, at Oxford, rather more than a hundred years ago. The interval had brought us no increase of knowledge with respect to the interior of Barbary. The works of the Arabian geographers, El Bekri of Cordova, and El Edrici of Ceuta, were little known in Europe. It was not till 1836 that a translation of the latter writer was published by the Geographical Society of Paris. Gibbon boasted that he was not ignorant that five of the Moorish tribes still retained their *barbarous* (or Berber) idiom, with the appellation and character of *white* Africans. But he adds, that Shaw had seen 'these savages' with distant terror; and that Leo, a captive in the Vatican, appears to have lost more of his Arabic than he could acquire of Greek or Roman learning. Captain Lyon visited the kingdom of Fezzan, south of Tripoli; our relations with the empire of Morocco are considerable; and numerous expeditions have been made to Timbuctoo. But the central chain of the Atlas, and, still more, the vast regions south of the Atlas, which are confounded under the name of the Sahara, or Great Desert, were wholly unexplored by Europeans; and nothing could be more imperfect and inaccurate than the notions actually entertained of these countries and their inhabitants, by the French themselves, until they had been in possession of the territory of Algiers for several years, and had advanced their outposts far into the land of Dates, and beyond the furthest limits of the Tell.

The extraordinary resources which have enabled the Sultan of the Arabs to carry on the war, even when he had been driven beyond what was supposed to be the habitable region of Barbary—the numbers and varieties of the migratory population from the interior, who frequent the markets and ports of the coast—the

annual movements of the pilgrims, and the gradual establishment of relations with some of the independent Communities of the Sahara—have induced the French government to devote great attention, of late years, to these remote districts and unknown Tribes. A number of enterprising and intelligent Officers have been formed in the army of Africa, who are perfectly familiar with the language and the manners of the Arabs; and who have prosecuted their researches into the topographical and commercial history of the interior with great success. These gentlemen have been associated with the scientific body named by the French Government, in 1839, for the purpose of exploring the country; and the result of their labours is contained in the interesting and curious volumes of the work, first named at the head of this Article, to which we shall now draw the reader's attention.

In the first volume, M. Carette, a Captain of engineers, has, from a prodigious amount of oral testimony, drawn up a complete account of the roads or tracks known to the Arabs, in the southern part of Algeria and the regency of Tunis, with the distances between the respective stations or villages on these routes. All the Tribes and classes of the interior are represented in the northern parts of the country by emigrants, who are drawn from the Sahara for the purposes of trade or of labour. Thus the inhabitants of the little town of El Bordj, in the Oasis of the Ziban, have been from time immemorial the privileged boatmen of the port of Algiers; and the first native who rows an European ashore is probably an Arab of the Sahara. From the concurrent testimony of these individuals, a vast body of information has been collected; and in spite of the difficulties attending the undertaking, the result has placed in our hands a pretty complete Topographical account of the country. The nature of these difficulties may be conceived, when it is stated, that the Arabs have no distinct or uniform mode of computing either time or distance. In some of the Communities of the Sahara, where the use of the public spring for the purpose of irrigation is an interest of first-rate importance, a rude sand-glass, or Chlepsydron, is employed to allot the stated periods, during which the stream is to flow in a particular channel. But the Arabs had no regular mechanical admeasurement of time before the French invasion. The eight periods of the Arab day are determined by the visible course of the sun, and by the habitual observances of religion; which are announced from the Minarets of the Mosques. The same vagueness prevailed as to measures of distance. The Roman mile was employed by the Arabian geographers, and is still in use among the people. But its real length is extremely

uncertain; for the universal definition given of a mile by the Arabs is, 'the distance at which you can no longer distinguish a man from a woman.' M. Carette has adopted the Parasang, which is equal to the old French League, or to three Roman miles, as the most convenient mode of expressing distances, which are still unavoidably inaccurate. The mathematical geography of the interior is quite in its infancy. The routes which he has been able to lay down in his Itineraries are mere tracks or paths, seldom wide enough to allow of the passage of more than one beast of burden; for the population of Northern Africa invariably travel in file; and even upon the broad military roads, which have recently been constructed by the French, the Moors and Kabyles may be seen travelling in their accustomed string, never marching abreast. But the existence of these regular tracks throughout the country, is in itself a fact of the greatest importance; for they are the means of intercourse between the Tribes, and the result of peculiar migratory and mercantile habits, which have existed for ages.

The second, and by far the most interesting, of M. Carette's contributions to this Collection of original materials, elucidates these peculiar usages by his researches into the geography and commerce of Southern Algeria. This name is used to designate that vast and mysterious region, hitherto confusedly described by all geographers as the Sahara, or Great Desert; and which is most imperfectly indicated in the best maps, anterior to those annexed to the volumes before us. M. Carette lays down with precision the natural boundaries and divisions of this extensive and unknown territory; he describes the basins into which it is divided, and the numerous Oases which maintain a distinct and independent people; he shows that the manners of these Tribes differ in the most remarkable manner from those of the Northern Arabs, as well as from the ferocity of the Tuarichs of the real Desert, or the savage Fetichism of the Negro; and he points out the great lines of commercial intercourse, by which a very considerable amount of traffic actually takes place, between the interior of what is called the Great Desert, and the manufactories of civilized Europe.

The third volume of the Collection, and the last which has as yet appeared, is composed of historical and geographical notices by M. Pellissier; in which he examines the various attempts of the Portuguese, the Spaniards, the French, and the Italian Republics, to found settlements upon the northern coast of Africa. We may have occasion again to revert to these curious and pertinent annals of African colonisation and warfare; but it is sufficient in this place to observe, that they all teach the same lesson,

namely, that all these enterprises ended in complete failure. St Louis, Don Sebastian, Charles V., and Doria, landed on the fatal coast of Barbary only to tarnish the fame of European Chivalry, and to expose their lives in a hopeless contest. The issue of these minor Crusades was even more immediately and decisively disastrous than that of the great Christian campaigns in Palestine; and we are reminded by the more recent incidents of African warfare, that, however the policy, the spirit, and the military resources of Europe may have changed, since the era of those earlier expeditions, the enemy to be subdued, and the climate to be encountered, are now identically the same as in the middle ages.

'The history of the Portuguese establishments in Morocco,' says M. Pellissier, 'presents an application of the two systems which have been discussed with reference to the French occupation of Algeria. In the north their dominion was limited, but the consequence was that their positions were constantly blockaded, and opened no channel to improvement and civilization. In the south their power was for some years extensive, brilliant, and prosperous; but it ended in catastrophes which disgusted the Portuguese, and induced them to abandon their conquests. They administered the government of the Arabs by Arab chiefs; and they used all the means of government which are said to be peculiarly applicable to the Arab race. *Razzias*, to use a modern but strictly national expression, were not spared. Why, then, did they not succeed? We have pointed out in this memoir the minor faults they committed, and we have shown how great was the power of the Chereefs against which they contended. But these causes of failure may exist every where, and may every where be surmounted. The real question is, *what did they offer to the Arabs to quell the antipathies of race and of religion?* The advantages they at one time offered to the tribes vanished when the Chereefs had consolidated their power; and thenceforward the spirit of their religion and their nationality acted without a check, in opposition to the Christian invaders.'—(*Pellissier*, p. 172.)

The religious intolerance which was the chief incentive of the African, as well as the Syrian Crusades, would admit of no compromise with the infidel; and the sanguinary excesses of those wars were justified or applauded by the superstition of the age. Strangely enough, the modern French occupation of Barbary, in which there is not a trace of religious fanaticism, or even as much of religious interest as might become a Christian people, has shown itself as intolerant as the fiercest wars of the faith. In the name of civilization, and for the mere purposes of territorial dominion, the natives have been treated with the rigour of persecution rather than that of war. They have been persecuted, not as Mahometans but as Arabs. Their whole social usages have been attacked, and overturned by their new masters; and the

inevitable consequence has been, that the French are opposed, not by an army in the field, but by a people in arms. The spirit in which the instructive works before us has been conceived is, however, far more humane, judicious, and politic; and we trust that erelong an important change will take place in the administration of the Province; and that these costly and unsuccessful attempts at mere military domination will be superseded, by a system of rule adapted to the usages of the country.

It is time, however, that we should lay before our readers the principal Geographical facts, established by the researches of M. Carette, and Colonel Daumas; upon which all that can at present be known of the character and destinies of the inhabitants of Northern Africa may be said to depend. The fundamental distinction between the two regions of the Tell and the Sahara had been adopted, from a very early period, by the Arabian geographers; and the natural diversities upon which that distinction rests, are so clear and strong, that the line which separates the one portion of the territory from the other, had been laid down with sufficient accuracy by Dr Shaw. The Tell derives its name from the Latin word *Tellus;* and that name is applied to the zone or strip of land, proper for tillage, which is interposed between the Sahara and the sea. The breadth of this zone varies from about fifty miles, in the provinces of Oran and Titteri, to one hundred and twenty, in the eastern province of Constantine. It is subdivided by the spurs of the great chain of the Atlas (applying that name collectively) into fertile basins of land, producing wheat and barley in great abundance. These basins are cultivated by Arabs, living in tents, without any settled or walled places of abode. The highlands are occupied by the Kabyles, or tribes of the Berber race—a people more shrewd, industrious, and intelligent than the Arabs of the plains. 'The 'remarkable chain of eminences,' says Dr Shaw, 'which some-'times borders on the Sahara, and sometimes lies within the 'Tell, may well be taken to be the Astrixis of Orvinus, the 'same with Mount Atlas so noted in history. Yet, it may be 'observed, that this mountain is not always of that extraordinary 'height or bigness which has been attributed to it by the an-'cients, being rarely or ever equal, as far as I have seen, to some 'of the greater mountains of our own island; and perhaps can 'nowhere stand in competition with either the Alps or the Ap-'penines. If we conceive, in an easy ascent, a number of hills, 'usually of the perpendicular height of four, five, or six hundred 'yards, with a succession of several groves and ranges of fruit 'and forest trees, growing one behind another upon them; 'and if to this prospect we sometimes add a rocky precipice

'of superior eminence and more difficult access, and place 'upon the side or summit of it a mud-walled Dashkra of the 'Kabyles, we shall then have a just and lively picture of Mount 'Atlas.'

This account of the English traveller is in the main correct. In many parts of the Tell the heights or highlands form a tract of table-land, of which the summit is sufficiently extensive to afford corn and pasture to a considerable population; whilst the abrupt sides of these elevations afford, as in the Caucasus, a strong natural defence from an enemy. Some of the mountains, however, as the Djebel Aoures and Djebel Amour, which are within the confines of the Sahara, are indicated in the valuable Orographic map annexed to M. Carette's volume, as of greater importance; though none of them rise to more than six thousand five hundred feet.

To form a correct conception of the Sahara, our readers must dismiss from their minds all the loose and fantastic conceptions which have been attached, from time immemorial, to the interior of Northern Africa. Instead of a torrid region, where boundless steppes of burning sand are abandoned to the roving horsemen of the Desert, and to beasts of prey, and where the last vestiges of Moorish civilization expire, long before the traveller arrives at Negroland and the savage Communities of the interior, the Sahara is now ascertained to consist of a vast archipelago of Oases; each of them peopled by a tribe of the Moorish race or its offsets, more civilized, and more capable of receiving the lessons of civilization, than the houseless Arabs of the Tell;—cultivating the date-tree with application and ingenuity, inhabiting walled towns, living under a regular government, for the most part of a popular origin;—carrying to some perfection certain branches of native manufactures, and keeping up an extensive system of commercial intercourse with the northern and central parts of the African Continent, and from Mogador to Mecca, by the enterprise and activity of their Caravans. Each of the Oases of the Sahara—which are divided from one another by sandy tracts, bearing shrubs and plants fit only for the nourishment of cattle—presents an animated group of towns and villages. Every village is encircled by a profusion of fruit-bearing trees. The palm is the monarch of their orchards,—as much by the grace of its form, as by the value of its productions; and the pomegranate, the fig-tree, and the apricot, cluster around its lofty stem. The lions, and other beasts of prey, with which poetry has peopled the African wilds, are to be met with only in the mountains of the Tell,—never in the plains of the Sahara. The robber tribes of the Tuarichs frequent the southern frontier

of the Sahara, and the last tracts of habitable land which intervene between these Oases and the real Desert; but, in the Sahara itself, communications, carried on after the fashion of the country, are regular and secure. War is, indeed, of frequent occurrence between the neighbouring tribes,—either for the possession of disputed territories, or the revenge of supposed injuries; but all that is yet known of these singular Communities, shows them to be living in a completely constituted state of civil society—eminently adapted to the peculiar part of the globe which they inhabit,—governed by the strong traditions of a primitive people, and fulfilling with energy and intelligence the strange vocation of their life. The population of the Fiafi, or most northern tract of the Sahara, between the 32° and 29° parallels of latitude, is more dense than that of the Tell, or region near the coast; though even there, the Oases are often separated by two or three days' march over barren sand. The Kifar is the sandy plain beyond, which produces a scanty pasture after the winter rains; and, to the south of that region lies the Talat, or sea of sand, to be crossed without danger and suffering by none, but the dromedary and the Arab horseman. The sedentary population of each of the Oases of the Sahara, centres in a town of more or less importance, and devotes itself to the cultivation of the palm and the date, or to manufactures. Round this town are assembled the dependent ksour, or villages of the tribes, some pastoral and some mercantile, which are in continual motion, and carry on what may be termed the external relations of the community. All the corn consumed by these villages and towns is grown in the Tell. The date, which is the great edible product of the Sahara, becomes unwholesome, and even fatal to life, if it be eaten without a proper admixture of other food; so that the industry of one-half of the inhabitants of the Sahara consists in preparing commodities for the purposes of trade, whilst the other half carries on this trade in the distant markets of the north; and of these no inconsiderable number emigrate to the coast for a long term of years.

It is evident that communities organized in this manner, and depending on foreign trade and mercantile speculation for their subsistence, as well as upon the assiduous cultivation of the tracts of land which they inhabit, must have the essential and distinctive marks of a civilization more or less perfect; but still, strongly contrasted with the indolence, the brutish contentment, and the impracticable character of the roving barbarian, or the mere savage. The mode of life of the inhabitant of the Sahara is a species of education, which may hereafter place him in direct and welcome intercourse with the civilized countries of

Europe. The following extract is longer than we are accustomed to give; but it relates to Communities so little known, and presents so intelligent and graphic a picture of their social condition, that we feel assured our readers will thank us for it:—

'The transportation of merchandise in the interior of Algeria, from the south to the north, and from the north to the south, is chiefly effected by the wandering tribes, (*nedjá,*) whilst that from the east to the west, and from the west to the east, is principally carried on by trading caravans, (*gafla.*)

'Almost all the Sahara tribes are accustomed to a system of annual peregrination, which must have existed from time immemorial, inasmuch as it is based upon the nature of the climate and the produce, and the primary wants of their existence. This general movement is commonly performed in the following manner:—During the winter and spring the tribes are collected in the waste tracts of the Sahara, which, at this season of the year, supply water and fresh vegetation, but they never remain more than three or four days on any one spot; and, when the pasture is exhausted, they strike their tents and go to establish themselves elsewhere. Towards the end of the spring they pass through the towns of the Sahara, where their merchandise is deposited. They load their camels with dates and woollen stuffs, and then turn their steps towards the north, taking with them their whole wandering city—women, dogs, herds, and tents—for it is at this season that the springs begin to dry and the plants to wither on the Sahara, at the same time that the corn is ripe in the Tell. There they arrive at the moment of the harvest, when corn is abundant and cheap, and thus they take a double advantage of the season, by abandoning the waste as it becomes arid, and seeking their fresh store of provisions in the north, when the markets are overstocked with grain. The summer they pass in this country, in commercial activity, exchanging their dates and woollen manufactured goods for corn, raw wool, sheep, and butter; whilst their herds are allowed to browse freely upon the lands, which lie fallow after the gathering in of the harvest. The signal for the return homewards is given at the end of the summer: the camels are reloaded, the tents again struck, and the wandering city once more marches forth, as it came, in short days' journeys towards the south. The Sahara is regained about the middle of October, the period when the dates are ripe. A month is passed in gathering and storing this fruit; another is devoted to the exchange of the wheat and barley and raw wool for the year's dates, and the woollen stuffs, the produce of the yearly labour of the women. When all this business is concluded, and the merchandise stored away, the tribes quit the towns, and lead their flocks and herds from pasture-land to pasture-land among the waste tracts of the Sahara, until the following summer calls for a renewal of the same journey, the same system of trade.

'Such, with certain exceptions hereafter signalized, is the general law by which the commercial movements of the southern tribes are regulated.

'The tribes of the Tell, on the contrary, have no system of annual

peregrination : they never wander beyond the limits of their territory, and change only from spot to spot, according as the various portions of their soil require, now to be tilled, now left fallow to the flocks, now manured. They thus superintend the progress of their crops, pitching their tents near them for protection, until the harvest be over, and then bringing their corn with care and concealment, in order to avoid the depredatory results of a Razzia. Whilst thus employed in the culture of corn, (their only source of wealth,) the Tell tribes have no need of any fixed dwellings. Exposed to the spoliation of the authorities, and to the agressions of other tribes, they felt that stability of habitation would only more easily render them a prey to the usurpations which menace them, or offer a more alluring bait to covetous neighbours, and that their power of locomotion is their only safeguard. The stakes of their tents, and the blades of their corn, alone fix them to that soil upon which they temporarily dwell.

' In the Sahara, the culture of corn is little or nothing. The palm is still, as it has ever been, the principal source of the wealth of the country ; and the palm is a tree which, unlike the shortlived crops of corn more suited to the habits of a wandering tribe, requires continual tending, and imposes on its cultivator the necessity of a permanent residence. The construction of fixed dwellings, which is optional in the Tell, becomes, consequently, a matter of necessity in the Sahara. It is not caprice, it is the very nature of the country, which has caused it to be covered with towns and villages. By the side of the plantations, however, extend the arid plains, which, although unfitted for culture, are advantageous as pasture ground ; and the natural consequence is, that the gardener of the Sahara becomes a shepherd also ; whilst, at the same time, the country producing no objects of primary necessity, but mere articles of comparative superfluity, it evidently follows that its inhabitants are obliged to endeavour to exchange these articles for others, and dispose of them among the populations possessing what they themselves need. The southern tribes have thus, necessarily, assumed a double character—on the one hand, sedentary, as gardeners, on the other, wandering, as merchants and rearers of flocks ; and this double character has, consequently, produced in the Sahara a double population, one portion of which is essentially sedentary, the other essentially wandering in its nature. This double population, again, has thus assumed distinct characteristics. The inhabitants of the towns are employed in the construction of dwelling-houses, the culture of gardens, and the manufacture of woven stuffs ; whilst the dwellers among the tribes are engaged in the tending of herds, and the transportation of merchandise.

' Although distinct in character, however, these two populations are so closely associated in interests, that they become inseparable. The gardeners of the towns are the owners of the cattle committed to the charge of shepherds among the tribes ; the shepherds of the tribes are also landed proprietors, for they find tenants of their possessions in the towns. The wandering Arab is not only a mere carrier, he is a culti-

vator also: the inhabitant of the towns, at the same time, does not always remain within his walls; the tribes offer him a natural escort, if he be desirous of directing himself the traffic of his produce. The tribes, more generally, transport the heavier merchandise, possessing less value, and requiring less care, such as dates and wool: the town merchant takes charge, more generally, of lighter and more precious objects, such as finer stuffs, silks, and articles of perfumery. This community of interests becomes profitable to all parties. The wandering Arab, when he has realized a little capital from his speculations, endeavours to place it beyond the reach of the chances of fortune, and employs it in the purchase of a house and garden; whilst the poor tiller of the soil, as soon as he has been able to save a moderate sum, takes care to buy himself a sheep, which he confides to a shepherd of a tribe. Among all the tribes of the Sahara, there are only two not attached to the soil by the tie of landed property.

'The affinity of interests, which establishes such intimate relations between the two populations of the Sahara, produces still stronger ties between the Sahara and the Tell. In fact, the two great categories of inhabitants, forming the general population of the Sahara, are only bound together by ties of reciprocity; whilst the inhabitant of the Sahara is bound to the inhabitant of the Tell by the tie of dependence; for the former receives from the latter articles of primary necessity, and only gives in exchange rich stuffs and fruits—objects greatly demanded, without a doubt, but which are by no means necessary to existence. Again, the inhabitant of the Sahara is obliged to carry his produce himself; nor is it possible that it should be otherwise, since the southern tribes are compelled to move northwards, not only by the necessity of seeking their own subsistence, but of finding that pasture for their flocks which their own country does not afford them during the summer season. It is necessary, consequently, for the tribes of the Sahara—if not all, at least the greater part of them—to make their appearance every year in the Tell—that is to say, in the part of the country occupied by the French; and the possession of the northern provinces by the French has always rendered them, consequently, the masters of the destiny of these southern populations, and insured them friendly overtures on the part of these tribes; but this was a fact of which they, too long, were ignorant.

'These facts may explain why, on penetrating the regions of the waste, so many ruins appear—the undeniable testimonies of the establishment of ancient civilization. The nature of the country has never changed: it is now, as it was in the time of the conquerors of antiquity, a whole, in two parts, but yet an undivisible whole—a body and a head, between which a perpetual movement of reciprocal support and sustenance takes place—a system of social respiration, which gives life to one portion and the other at the same time.

'If, then, it thus appears that an imperious necessity yearly drives the wandering population of the Algerian waste-lands into the region of culture, the importance of that part of the country where this annual tide

stops, and which thus becomes the centre of a great movement, is incontestable. It is in that point that, like so many threads, the interests of the south are bound together with those of the north ; and these also are the reins or leading strings which may hold and direct the southern provinces of Algeria.'—(*Carette*, p. 185, *et seq.*)

We shall presently have occasion to show, that the relations which have so long subsisted between the inhabitants of the Sahara and those of the Tell, are, like every thing in Mahometan Africa, affected by the peculiar institutions of the religious brotherhoods or corporations, which establish a species of confraternity between distant and independent Tribes. At the time of the Arab conquest, in the seventh century, the two principal chiefs of the Mussulman army, Sidi Okba and Sidi Abd Allah, invaded and occupied distinct portions of the country. Their descendants adopted many varieties of their lives and employments, but their religious traditions remained unchanged ; and one of the most powerful and most recent of the religious orders of Northern Africa, that of Sidi Hamet Zidjani, protects and preserves their ancient intercourse. But this intercourse has not prevented the greatest dissimilarity of character from springing up, between the race of the interior and that of the coast ; and this contrast is so striking, that we must allow M. Carette to describe it in his own words :—

' The Sahara is that part of Algeria which is most civilized, and most capable of receiving civilization. It is there that habits of precision are most generally diffused ; and there that we find the greatest amount of intelligence, activity, and social disposition. The knowledge of the solar months, which is so necessary to husbandry, is less common in the Tell, than in the Sahara. In the Tell, the marabouts give the signal of seed-time and harvest. The peasant knows nothing of *k'tober* and *maïou*. He lives under a purely superstitious observance. In the Sahara, where the cultivation of the soil has a more individual character, each landholder regulates his own affairs, and is better acquainted with the divisions of the year. Many localities are affected by periodical epidemics. In the Tell, the inhabitants do nothing to avert or escape them ; and they await disease or death with a brutish indifference. In the Sahara, on the contrary, the local authorities will warn the stranger, at the approach of the fatal month of October, that he had better retire to the Oasis of Ouad-Souf, which is remarkably healthy.

' The Sahara contains a great number of towns and villages, not built, indeed, with any great pretensions to a profound study of architecture, but displaying far more intelligence, ease, and application, than is necessary to plant the pickets of a tent. The Tellian only knows his way from his tent to the nearest market ; the Saharian travels and observes : the former counts distances by the vague admeasurement of a day's journey ; the latter has preserved the Roman mile. The inhabitant of

the Tell shears his flocks, and carries the wool to the Sahara to be manufactured. Even the tents, those horse-hair chambers which are his home, are for the most part made in the Sahara.

'The Saharian is intent on work; he is robust, active, and adroit. The Tellian sighs for repose; he is indolent and clumsy. The day after the French conquest of Algiers, the children of the Sahara were there ready to earn an honest livelihood by the severest labour, and endeavouring to save up enough from their scanty earnings to return one day to their own Oasis, and buy a house and garden amongst their own people.

'The Kabyles, indeed, whose love of independence has never yet bowed to the French, are an active and hard-working people. They are skilful in gardening, building, the fabrication of arms, and latterly of false coin; but they have not the intelligence and the taste for knowledge of the people of the Sahara. If, as we may hope, European civilization ever penetrates into Africa, the mechanical arts will suit the talents of the Kabyles; but letters and science will first be cultivated in the Sahara.'—(*Carette*, p. 240.)

In these descriptions and opinions, some allowance must doubtless be made for the fervour of novelty and of paradox—some likewise for the political motives with which these volumes have been prepared for publication. All that has been learned in the last fifteen years of the population and productions of the Tell is calculated to excite apprehensions of interminable war, rather than hopes of a prosperous and pacific dominion. The province of Constantine is alone an exception. For it has been remarked in every period of African colonization, from the Romans downwards, that the eastern provinces of Barbary were fertile, tranquil, and profitable possessions, strongly contrasted with the rude districts of the west. The colonies of Rome and the Bishopricks of the African Church were less numerous and less important as they advanced westward from Numidia to Cæsarian Mauritania. Under the Turkish yoke the Beylik of Constantine was the most valuable and submissive dependency of the regency. Since the French occupation, the incursions of Abd-el-Kader have invariably come from the west; and his passage through Constantine has been as rapid as that of a fugitive. The partisans of the establishment of a great French dependency in Barbary, are naturally anxious to point out these distinctions; and, if possible, to demonstrate that, in spite of the desolating war they have to wage in the Tell, and more especially in the provinces of Titteri and Oran, the great population of the interior, like that of the province of Constantine, is by no means indisposed to accept the sovereignty of France. These writers, therefore, contend, that if the French are to govern the country at all, they must govern it as a whole; —taking into account the relations of its several parts, the habits of the different populations, and the religious institutions, which

are the most powerful tie between the different tribes. A considerable number of the Tribes and Oases of the Sahara have already accepted a species of political connexion with the French, by the investiture of their Scheiks. At Biskra, the principal town of the Ziban, a French garrison has been placed. At El Arouat and Ain Madhi, important places to the south of the Djebel el Amour, Abd-el-Kader has more than once made war upon the dominant party in the tribe, on account of their reluctance to assist his military operations. In 1844 Ahmed ben Salem spontaneously solicited from the French governor-general the confirmation of his authority in the Khalifah of El Arouat, saying that all the Mussulman sultans whom he had trusted had betrayed him, and that he hoped to find peace in the justice of the Sultan of France. Abd-el-Kader, furious at this apostacy, vowed that he would flay alive any inhabitants of El Arouat who might fall into his hands, and make drums of their skin; but it does not appear that this threat of the Numidian Ziska has been carried into effect. The consequence of these advances to the south, which have been effected by the French with comparatively little risk or loss of life, has been to place under their control several of the most considerable markets and roads of the Sahara; and, no doubt, if the French administration is cautious enough to protect and encourage these usages of the natives, no more effectual mode can be found of holding the country. We have little doubt, however, that the submissive disposition of the tribes of the Sahara has been greatly exaggerated in the official publications before us. They were composed last year, when the peace of the country was believed to be consolidated. A few months afterwards Abd-el-Kader began his astonishing winter campaign; it is acknowledged on all hands that the Tribes of the Sahara, which lie beyond the reach of the French armies, effectually assisted his operations; and severe retribution has since been inflicted on the great Oued Nail Tribe, for instance, by General Jussuf. But however this may be, it is demonstrated that a correct knowledge of the population of the Sahara, from the confines of the Tell to those of the real Desert, is indispensable to any power which seeks to establish itself in Barbary. The Turks, in Algiers, contented themselves with levying a tax upon each tribe when it frequented the markets on or near the coast, and this species of tribute was commonly determined by tradition, and regularly paid to the Dey's government; but it was occasionally refused by the Tribe, and extorted by force when an expedition could be sent to attack them.

The circumscription of this vast and unknown region is, therefore, not merely a matter of geographical novelty and curiosity,

but, to the French, it is at this time a subject of considerable political importance. The southern frontiers of the Barbary States have hitherto been covered with total obscurity, and supposed to be lost in a trackless Desert. M. Carette has demonstrated that, from the nature of the country, this line can be drawn with the utmost precision; and he has shown that the Desert itself, far from being trackless, is intersected with innumerable lines of regular communication adapted to the wants of the natives. His Chart of the Sahara and the Great Desert is almost as well furnished with direct and converging 'lines,' as the Railroad maps which have recently been exhibited at the Board of Trade, before a Committee of the House of Commons. The Oases which are thus connected with the northern provinces, now in the possession of the French, commence with a line which may be traced from the Lake Melrir in lat. 34 to the Ouad Souf in lat. 35. Nearly in the same latitude, but at some little distance to the west, are situate the Ouad Rir, or valley of the Rouara, containing thirty-five villages, of which Tuggurt is the capital. Tuggurt is about seventy-six French leagues to the south of Biskra, and one hundred and seventy-four leagues from Algiers. To the south of the Ouad Rir lies the independent tribe of Temasin, and still further to the south, in lat. 32°, are the great Oases of Ouargla and Oued Mzab, inhabited by the Chaamba tribes. These are the furthest limits which M. Carette assigns to Algeria. The towns of R'dames to the east, and El Golea to the south, are important stations upon the roads to Fezzan and to Central Africa, but they are separated from the spots we have mentioned by a vast extent of real Desert. For instance, the town of Gourara, in the Oasis of Touât, is at a distance of fifteen days' march across the sand without a single intermediate village.

The El Abied-Sidi-Cheikh is the last of the Oases of the French Sahara to the west; and it keeps up an active mercantile intercourse between the ports of Morocco and the interior. Beyond this habitable region extends an ocean of sand, crossed only by the Tuaricks or rovers of the desert, and the more adventurous merchants. But M. Carette lays it down as a maxim, that it is as impossible for the French dominions to stop short of this line of Oases, as it is for them to extend beyond it.

Nothing can more forcibly establish the amount of civilisation which the Tribes of the Sahara have arrived at, than the contrast which M. Carette draws between them and the roving population of the real Desert:—

'The robber tribes of Touareg, those pirates of that great ocean of sand, the Desert, who, as guardians of the gates of the Soudan as well

as the Sahara, levy a treble tax upon caravans, for the right of entry, the right of passage, and the right of issue; and, if any evasion of this tax be attempted, pillage them without mercy, are dispersed throughout the whole extent of the waste.

'It would be difficult to arrive at any correct idea of the origin of this singular people, which, although scattered in so many distinct hordes, still displays a universal community of race, in language, manners, and physiognomy. According to the accounts of the Arabs who have had dealings with them, they pretend to be of Turkish descent, and affect to treat the Arabs with disdain. Whatever their origin, however, they are tall, strong, of slender make, and of fair complexion, even those who have their camps in the neighbourhood of Timbectou, with the exception of a few of mixed blood. Their eyes and their teeth are, generally speaking, of great beauty. They wear long mustaches, in Turkish fashion, and upon the summit of their shaven heads a tuft of hair, which they never crop, and fashion into a braid when it becomes too long: the use of earrings is universal. Their costume consists of a very large and ample robe of black stuff, beneath which they wear a species of full trowsers, drawn in, above the hips, by a running cord; a woollen girdle is bound round their waist. Their head-dress consists of a high chachïa, fixed on to their heads by a piece of stuff, rolled turban fashion, one of the ends of which covers the whole face except the eyes, "since men of noble race," they will tell you, "should never show themselves." The chiefs alone wear the bernous.

'Almost all, whether rich or poor, have their feet bare, because, according to their own account, they never go on foot. Those, however, who are obliged, for want of a camel, to walk along the sands of the desert, wear a species of sandal, bound round their ancles by thongs. Their arms consist of a long lance, the point of which is diamond-shaped, a long two-edged sabre, a sheathed knife, so bound around the wrist that the handle reposes in the palm of the hand, always ready for immediate use, and a shield of elephant hide, studded with nails, which they use with much address. It is only the chiefs, and the wealthier among them, who possess fire-arms.

'In case of need, they can be extremely sober; and they will frequently wait two or three days without meat or drink, rather than lose a chance of prey; but after the Razzia, they make themselves amends for their abstemiousness by extreme gluttony. Their habitual food consists of milk, dates, mutton, and camel's flesh, and, upon rare occasions, cakes of meal—their wealth, of herds of camels, and flocks of a peculiar short-haired and long-tailed species of sheep. Their women are fair and handsome—"fair as Christian women," we are told—and leave their faces uncovered. Many of them have blue eyes, a beauty much admired among them. The costume of the females consists of an ample robe of black stuff, and trowsers of the same material. The richer cover themselves with jewels; the poorer adorn themselves with bracelets, or other ornaments of horn.—The Touareg tribes of the south, who are of more mixed blood, pursue, upon the frontiers of the Negro country, the same trade as those of the north. Their country, however, affords them

corn and grain: their flocks give them milk, butter, and cheese; and their trees produce them more abundant fruit. In a material sense, more fortunate than the northern tribes, they are said to be less savage, less plundering, and more hospitable. No caravan, however, enters the Soudan without paying them the usual tribute, or exposing itself to being pillaged; and they attack their enemy with poisoned arrows, the wounds of which can only be cured by cutting away the injured part. These southern tribes keep the towns of the Soudan, and particularly that of Timbectou, in a constant state of blockade. They encamp themselves beneath their huts of hides in great numbers, at some little distance from the towns, a terror to the country;—hunt down the negroes upon the banks of the Niger, in the plains, the fields, the gardens, and even at the very gates of the towns, carry them off, and sell them to the caravans. These occupations, however, do not prevent their keeping up a regular trade with the markets of the Soudan, and there they exchange them for an infinity of articles, which they afterwards resell to the caravans. "So rich are these markets," said a negro, carried off by them, and now employed in the central direction of Arab affairs at Algiers, from whom these details have in part been gathered, "that you may buy every thing there except your own father and mother!" —(*Daumas*, p. 323.)

This vast tract may be compared, in all respects, to the sea—unproductive, unstable, and only supporting the life of the Desert population, by enabling them to commit the same savage outrages on all social relations, which their maritime countrymen were wont to perpetrate, for so many centuries, upon the ocean. In the Sahara, on the contrary, permanent places of abode, regular cultivation of orchards and gardens, homely manufactures, and fixed places of barter and sale, have altogether modified the character of the people.

The most obvious cause of these patches of fertility and population is necessarily the presence of water. The various modes of obtaining, preserving, and distributing water are, in the Sahara, the basis of science, law, and even religon. But nothing is more capricious than those African streams which take their rise on the southern side of the mountains. In most instances they appear to be lost in the sands, and they afford no regular supply of water to the natives. In several of the Oases, and especially among the Rouara, the whole irrigation is artificial, and all the water is derived from artesian wells, which have existed time out of mind in these remote regions. The Marabouts relate that an immense subterranean lake lies under the whole tract of the Sahara, at a depth of from 25 to 200 fathoms; and the Arabs all declare that, in many of the villages, these artesian wells are one hundred men's heights in depth. They are square, and supported by beams of the palm-tree. When the workman taps the spring

below, the water sometimes rushes up with such force as to throw him senseless to the surface of the earth. The public use of these waters is regulated by strict principles of equity, and an injury done to a well is the greatest of crimes. The Sheikh of each village is the recognised protector of the source.

The most accurate geographical notion that can be formed of the configuration and population of the country, may be derived from the course of the principal streams which intersect it. The four most important rivers of the country, all take their source in the Djebel Amour (lat. 34°), about the centre of the Algerian Sahara. The valley of the Cheliff runs northward, until it crosses the limits of the Tell, and thence the stream turns due west till it falls into the sea. The other streams, flowing southward from the highlands of Djebel Amour, and augmented by confluents from the Djebel Aoures, arrive at no such natural end. The Ouad-el-Djedi rises within a few miles of the Cheliff, but it flows nearly due east from the mountains, passing the oasis of El Arouat, the Ouled Nail, and the Ziban, to the south of Biskra, until it falls into the lake Melrir, upon the frontiers of Tunis. The Ouad-Seggâr is formed by tributary streams from the same district, and it flows westward, crosses the frontier of Morocco, and falls into another river, taking its source at no great distance from Tafilelt. Lastly, the Ouad-Mzab flows due south to the confines of the desert. These four streams therefore radiate from the centre of Algeria. One only reaches the sea; the others flow, if we may use the term, inwards, until they are lost in the salt lakes of the Desert; but not before they have fertilized many parts of the wilderness, and thrown life and vegetation into the secluded Oases of the Sahara.

Nothing is more curious than the details which have been collected, in these volumes, from oral testimony as to the usages of these Desert Communities. The fantastic institutions described by Gandenzio di Lucca were not more unexpected in the bosom of the Sahara. A town like Tuggurt presents the aspect of a perpetual fair. It is the market to which no less than forty-four Tribes of the Sahara bring their produce—the wheat, wool, and cheese of the Ziban; the camels and sheep of the immense Tribe of the Ouled Nail; the horses and asses of Arba; the fruits, madder, wool, and woven goods of El Arouat: even the Touaregs of the Desert ride their stately dromedaries to these places of exchange, bringing with them gold-dust, alum, brimstone, gunpowder, and elephant's teeth, besides negroes, and a peculiar kind of broad-tailed sheep. The revenue of the Sheikh of Tuggurt consists of a tithe of all commodities sold in the country, which, on the dates alone, produces a large sum, and

maintains the Court in considerable barbaric splendour. Sometimes the Sheikhs of Tuggurt have paid the Beys of Constantine as much as L.40,000 sterling for tribute; and the army of the Oases subject to their power amounts to three or four thousand men. The Sheikh of the Tribe is at the present time a child of twelve years old; and his mother, Lalla Aichoach, a lady more distinguished by her abilities than by the severity of her life, rules the djema or council.

M. Carrette has investigated with great care the modes of conveyance, and the articles of exchange, which are of chiefest importance in the traffic of the Desert. The effect of the war, which has so long devastated the Tell, has been to throw a considerable proportion of this traffic into the lateral lines of communication with Morocco and Tunis, instead of the direct line to Constantine and Algiers; and through these adjacent states, England doubtless supplies the larger share of foreign manufactures sold in these markets. But the produce of the country is more adapted for consumption by the natives, than for foreign exchanges. Olive-oil and dates are the only abundant produce of the soil; corn and cattle, and the first necessaries of life, are by no means abundant in any part of Algeria. During the last campaign, the French army procured its wheat from Odessa, and its beef from Catalonia. The value of the imports into Algeria in 1844 was one hundred and four millions of francs; that of the exports from the country about seven millions. We may admire the perseverance and industry which is displayed by the Tribes of Sahara in their commercial relations; but the result has raised them but little in the scale of civilisation; and it is difficult to predict what effect the competition of more enlightened races may have on their rude manufactures, and their patriarchal habits. Probably it will be long before any European influence surmounts the barriers with which nature and fanaticism have environed these distant Tribes.

'It is impossible,' says M. Carrette, 'to compare the wants and habits of the Arab camel-driver, employed to transport merchandise from one end of Africa to the other, with the habits and wants of the European waggoner, without being struck by the contrast. The carrier must, every evening, have a roof to cover him, a bed to lie upon, were the roof but that of a hovel—the bed but a bed of straw. He cannot exist without substantial food; and this want is rendered one of still more imperious necessity by the stimulating influences of the spirituous liquors which he swallows at the wayside pothouse. The Arab camel-driver needs no other bed than the bare ground, no other roof than the sky above; his only nutriment is a cup of water and a little grain; and even of this humble fare he never partakes without thanking Heaven for its bounty in providing it; the spring of pure water is his most tempting hour of entertainment. In our

countries sobriety is a virtue. The very word is unknown in the vocabulary of the Arab camel-driver. What goes beyond the strictly necessary is, in his notions, excess. To these types of temperance and frugality it is that we owe the date which sweetens our meal, the ivory that adorns our houses, a portion of the gold that fosters our luxurious tastes.

In describing the manners of the Mussulman races, the transition is easy and imperceptible, from their mercantile pursuits to their religious observances. 'It shall be no crime to you,' says the text of the Koran, which ordains the pilgrimage to Mecca, 'if ye seek an increase from your Lord by trading during the 'pilgrimage.' If the institutions of Mahomet have arrested the progress of civilization, and prolonged the empire of an intolerant and sensual creed, they have also, it must be confessed, produced a community of feeling and interest in the Mussulman world, such as Christendom has never exhibited, even in the most absolute days of the Church of Rome. For the promotion of this great object, the pilgrimages enjoined by Mahomet have been even more effectual than the pilgrimages recommended by Rome; and at this time they continue to produce the most important effects in the Mahometan world. The Moors and Arabs of Northern Africa are perhaps the strictest Mussulmans of our time. In Morocco, a dynasty descended from the Prophet, and an hereditary jealousy of their Christian neighbours, have supported the strict orthodoxy of the faith, without those deviations which the mixture of races, and the laxity of modern Princes, have tolerated in Constantinople and Alexandria. In Algeria, the present war has rekindled the fanaticism of the Arabs to the loftiest pitch of enthusiasm. Amongst such a people, it may readily be believed that the *râkeb*, or caravan of Mecca, is a most important expedition, equally adapted to their religious fervour and their mercantile tastes. On the second day of the lunar month of Redjeb, the African râkeb starts for its destination from Fez, or from Tafilelt, alternately. The Sheikh-er-Râkeb is a Prince of the Cherifian house, appointed by the Emperor of Morocco to that high office. With music playing, and banners unfurled, the procession moves, and has moved with singular regularity, to the same appointed stations, at each of which it halts at the appointed time. Nor is the progress of the caravan a merely religious ceremony; it is accompanied by all the incidents of a great trading journey; and to supply the pilgrims with the necessaries of life, in the thinly-peopled regions which they are to cross, is a matter of great cost and difficulty. Upon entering the Sahara, the annual number of pilgrims, principally from Morocco, who pass at El-Arouat, is about 8000; but the numbers increase as they proceed, until

the râkeb becomes like a city in movement. From El-Arouat it advances to Sidi-Khaled and Sidi-Okba, thence to Gâbes in the regency of Tunis, and through the pashalick of Tripoli, to Tripoli and Mesarata. At Cairo it is joined by all the pilgrims of Egypt; and upon the banks of the Red Sea, the heads of the columns of pilgrims from Syria and Bagdad, whose approach has been calculated with the same exactitude, are seen converging at the appointed time towards the tomb of the Prophet. It is on the day of Aïd-el-Kebir, the first of the Mussulman year, that the representatives of the Tribes of the whole Mussulman world are seen advancing from three different points, to that holy spot. Upon their arrival at Mecca, the three caravans proceed together to Mount Arafat, where the Imaum blesses the assembled host. At that ceremony, the pious Hadji holds, that exactly 80,000 believers are invariably present; if the number were greater, God would reduce it by his power—if it were less, his angels would complete the congregation.

Burckhardt, indeed, from whose personal observations we alone derive an authentic European account of the ceremonies of Mecca, insinuates, that the increasing laxity of the Mussulman world, and the practice of vicarious pilgrimage, have greatly diminished the numbers of the sacred caravans. And he adds, that the Mogrebbyn caravan in particular, from the Empires of Morocco and Barbary, had declined, far below the amount assigned to it, by the French writers immediately before us. The time is long past when the Commander of the Faithful repaired nine times in the course of a single reign to the tomb of the Prophet; but modern civilisation has facilitated the means of effecting the journey. The Mediterranean Steamers are thronged with pilgrims at the proper season of the year; and in 1845 the French government sent a band of Hadjis to Alexandria, in the Steamer of war *Le Cerbère*, expressly employed on that service.

Without doubt, as M. Carrette observes, the French government of Northern Africa, and the war which has assumed so decided a religious character, must be topics of exceeding interest to the assembled Mussulman world; and even by the well of Zemzem and on Mount Arafat, the exploits of Abd-el-Kader may fitly be had in remembrance. For the whole experience of the war, and the information now acquired as to the Arab population, establish the fact, that the only common principle which has supplied the want of political and military organization throughout this extraordinary contest, has been the cause of religion; and the influence of those peculiar religious institutions which exist among the Mahometans of Northern Africa.

We must here take leave of the Oases of the Sahara, for it is

not amongst them that the religious orders, which are now known to exist, have as yet been observed. It is more than probable, indeed, that the powerful influence which has induced these various, iudependent, and sometimes conflicting Tribes of the Sahara to lend their assistance to the Emir when he passed, by one of his rapid and furtive marches, beyond the limits of the Tell, may be traced to religious confederations. But this fact, though it be suspected, is not yet fully proved. The small Essay on the Khouan, or religious Brotherhoods of Africa, which we owe to the intimate acquaintance of Captain de Neveu with the manners of the Arabs, confines itself to the institutions which he has observed in the province of Constantine: their ramifications to the west and to the south are comparatively matter of surmise. Every insurrection against the authority of the French has been instigated by some leader laying more or less direct claims to peculiar sanctity; and these Chourfa, or descendants of the Prophet, are believed to be connected with certain of the Mussulman religious orders. It is ascertained that six of these associations of Khouan or brothers, exist in Algeria at the present time; and there can be no doubt that they are deeply connected with the political and social state of the country. These Orders are all grounded upon the Mahometan faith; but each of them follows the rule of some Marabout of peculiar sanctity, whom it venerates as its founder; and to whom it ascribes a degree of power not unlike that attributed to the saints of the Church of Rome. Of these Orders the most important are those of Sidi Abd-el-Kader-el-Djelali, of Muley Taieb, and of Hamet Tsidjani. That of the Aissoua consists principally of conjurers and serpent-charmers; the two others appear to be of less note. These Khouan have their own mosques and zaouïas. A *zaouïa* or *guetna* is an ecclesiastical corporation, endowed with lands or appointed alms,—governed by a sheikh or *mokaddem*, and corresponding to a certain extent to the parochial divisions of Christendom. It includes a chapel for sepulture, a mosque for prayer, a school for instruction, an asylum for the persecuted, an hospital and a poor-house, and it is also the depository of the archives and traditions of the district. In the present disturbed state of this half barbarous country, these establishments, which are protected by the ardent faith of the population, and the power of a vigorous spiritual organization, are obviously the most important national institutions of the Arabs. The common expression to denote affiliation to these Orders, is '*to take the rose of Sidi 'Abd-el-Kader*,' or of another brotherhood; but the only condition of admission into these societies is believed to be strict Mussulman orthodoxy, and a punctual observance of the rule of the Order.

The oldest of the religious Orders of Algeria is that of Sidi Abd-el-Kader-el-Djelali,—a Marabout of great sanctity, whose name is venerated throughout the Mahometan world, and whose shrine at Bagdad, adorned with seven gilded cupolas, is an object of devout pilgrimage. His name is in the mouth of every beggar who supplicates for alms; and he is invoked for succour in every conjuncture of danger or pain. Certain it is that this mysterious being has exercised a vast influence on the faith of men, if not upon the course of events, within our own time. In the year 1828, young Abd-el-Kader—the same who has since given an historic interest to that name—was praying with his father, Mahi-ed-Din, beneath one of those gilded cupolas, over the shrine of his patron at Bagdad. Erelong, so runs the tale, that holy Marabout himself appeared to his appointed servant, in the form of a negro, holding three oranges in his hand. 'Where is the Sultan of the West?' said the negro to Mahi-ed-Din. 'We have no Sultan amongst our tribes,' replied the father of Abd-el-Kader. 'Be that as it may,' rejoined the Negro Seer, 'the dominion of the Turks in Algiers is wellnigh spent, and 'Hadj-Abd-el-Kader, the son of Mahi-ed-Din, will be the 'Sultan of the Arabs of the West.' The first part of the prediction was accomplished in 1830, by the French invasion, and the expulsion of the Dey. But until 1832, no one had thought of the second son of Mahi-ed-Din, as peculiarly destined to command the Chiefs of the Tribes. At that time, however, the Chiefs and Marabouts being assembled in the plain of Eghres, to the south of Mascara, to choose a leader, an aged Marabout saw in a vision a vacant throne, and the mysterious Marabout of Bagdad, appearing once more, announced that it would be filled by the young Abd-el-Kader. Mahi-ed-Din himself had had the same dream; but to him was offered the choice of the throne for himself, in which case his son would soon die; or the throne for his son, in which case his own days were numbered. The father's choice was instantly made, and from that day El-Hadj-Abd-el-Kader has been Sultan of the West; enjoying as much power and veneration amongst his people, as if he were the mightiest prince that ever sat upon the throne of the Caliphs.

This legend is universally and religiously believed by the Arab Tribes. To them Muley-Abd-el-Kader, the saint of Bagdad, is himself present in the decrees of his chosen son, who never fails to invoke his aid. The Khouan of this Order are exclusively to be found in the province of Oran, which is the real seat of the native power; and amongst them the elements of what must be termed Abd-el-Kader's government, are probably to be found.

The Order of the Muley-Taïeb is of still greater importance

and extent than that of Sidi-Abd-el-Kader; for the Khalifa of these Khouans is always chosen from the imperial family of Morocco, the direct descendants of the Prophet; and they are the depositories of several of those predictions and traditions which may determine the submission or resistance of the Arabs. These traditions took their origin in the former contests of the Moors with the Christian nations of Europe, and were perhaps connected with the ruins of the Roman dominion in Africa. Certain it is, that every where, the belief of an impending Christian invasion and conquest, has long been common in Barbary. It was noticed by Dr Shaw, a century before the French expedition, that in many parts of the interior the inhabitants of the towns caused the gates to be carefully shut every Friday morning, throughout the year, between the hours of ten and twelve; because that was the time marked out for this catastrophe. By way of fulfilling this engagement with fate, M. Blanqui has observed, that the capture of Constantine, which was the first great event that established the French occupation over the interior of the province, took place at ten o'clock, on Friday morning, the 13th October 1837.

Another prediction of Muley-Taïeb, which is still held in great veneration by his order, promised the final dominion of the whole country of the East—meaning the *ouhtan*, or region of Algiers—to his followers; but before his prophecy could be fulfilled, that country must be held for a time by the Benou-el-Asfor, or children of the Yellow—a name given by the Mussulmans to the French. 'If,' said the seer to his followers, probably more than a century ago, 'you take the country now, the French will de-'prive you of your conquest; if, on the contrary, the French 'take it first, you will one day reconquer it from them.' The prediction has been in part accomplished; and it is not unnatural that the Tribes to whom it was addressed, should confidently await its complete fulfilment.

It is a remarkable circumstance, that of all the known religious orders of Algeria, that which took its origin, and has extended its chief power in the Sahara, is the only one believed to be favourable to the French. The Khouan of Tsidjani was founded at a comparatively recent period by Sidi-Hamet, of the reigning family of the Oasis of Ain-Madhi. He died about fifty years ago at Fez. This Order, and the towns which recognised his authority and that of his successor, were frequently attacked by the Turks, and more recently by Abd-el-Kader; for the utmost hostility appears to prevail between the Khouan Tsidjani and the Khouan Muley Taïeb. In 1844, when the Duc d'Aumale had advanced with his column to Biskra, and the

Oasis of Zâb, the Tribes of the Desert, from Souf to Tuggurt, inquired of Hadji-Ali, the head of the Tsidjani at Temacin, what conduct they should observe towards the French. The Marabout replied, 'God has given Algeria to the French, and 'all the districts dependent upon it. He protects their dominion. 'Remain at peace with them. Make not the powder talk against 'them; for though they are infidels, they may promote the 'well-being of us all.' Certainly the Tribes of the interior have no reason to regret the rule of the Turks, who levied excessive taxes on their caravans when they frequented the markets of the coast; or to fight for Abd-el-Kader, who has more than once turned his arms against themselves.

But this, even by the French accounts, is the exception. The prevailing feeling among the Religious Orders is one of intense hostility to the French; and the following passages from the evidence of an Arab prisoner, taken in the last campaign, throws a striking light on this subject, and on the sublime devotion of these saints and heroes of the Desert. The man was condemned to death, on the 15th of November last year, for the part he had taken in the revolt of a Berber Tribe, on the left bank of the Cheliff. He appears to have belonged to the Brotherhood of Muley Taïeb; and when he speaks of his 'brother,' that expression must be understood to denote the mystic, rather than the natural relation implied by that term:—

'Q. What is your name?

'A. My name is Mohammed-ben-Abd-allah.

'Q. Are you one surnamed Bou-maza?

'A. No; the Arabs have given my brother that surname.

'Q. Why do the Arabs call him so?

'A. His real name is the same as mine—Mohammed-ben-Abd-allah—and the Arabs call him Bou-maza, because they have often seen him followed by a gazelle, sent by God to attend his wanderings.

'Q. What is your age?

'A. I don't know; we Mussulmans live till the day of our death, without caring for our age.

'Q. Of what country are you?

'A. From Taroudant, a village of three hundred houses, in the province of Sous, in Morocco.

'Q. How long have you been in Algeria?

'A. About seven years. I was first sent by our master, Muley Taïb, to visit the Zaouia, the holy Marabouts, and to do good works.

'Q. How long has your brother been in Algeria?

'A. The same time. He married among the Ouled-Jouneus, where he was known for a holy man. The tribes of the Dahra came to talk with him of the Holy War; he put himself at their head, and you know the rest.

'Q. Who encouraged and incited him? Abd-el-Kader, no doubt—he whom you called the Sultan?

'A. He commenced the war alone. His reputation soon spread, and after that he received letters from Muley Abd-errhaman, from El-Hadj-Abd-el-Kader, from the Sultans of Constantinople and of Tunis. These letters told him to go on; that he was master of the hour announced by the holy books; and that if he drove out the Christians, they would make him the Sultan.

'Q. What tribes gave their word to your brother?

'A. [He names thirty-seven tribes of the Western coast.]

'Q. What reason had they to complain of the French?—Robbery, exactions, injuries, injustice? Speak the truth without fear.

'A. Nothing of that kind. The Arabs detest you, because you are not of the same religion as they are—because you are strangers, who come to take their country to-day, and will demand their daughters and children to-morrow. They said to my brother, Lead us—let us carry on the war—every day the Christians get stronger—let us make an end of them at once.

'Q. Yet we have, you know, many Arabs who are devoted to us.

'A. There is but one God; my life is in his hands, and not in yours. I shall, therefore, speak frankly. Every day you have Mussulmans coming to tell you they love you, and are your servants. Believe them not; they lie from fear or from interest. If you were day by day to give each Arab one of those *kabobs* they are so fond of, made of your own flesh, they would hate you none the less; and whenever a Cherif comes who they think able to conquer you, they will follow him to the walls of Algiers.

'Q. How can the Arabs hope to conquer us, led by chiefs without an army, cannon, or money?

'A. Victory is of God; when he pleases, he can exalt the weak and put down the strong.

* * * * * *

'A. I am going to ask you a question which I hope you will answer with sincerity. You are in our power, falsehood can avail you nothing, but a frank avowal may interest our king, who is humane and generous, in your favour.

'A. I shall answer the more frankly, as, although I am in irons, I know my life is not in your power. It rests with God.

'Q. Well, then, what are the present relations of Abd-el-Kader and the Emperor of Morocco?

'A. As bad as possible. Muley Abd-errhaman has often said to the Emir, "Leave my country;" but Abd-el-Kader has told him he cared neither for him nor for the French.

'Q. Why have they quarrelled?

'A. The Sultan of Morroco is afraid the French will pursue Abd-el-Kader into his territories.

'Q. How can Abd-el-Kader laugh at so powerful a sovereign as Muley Abd-errhaman?

'A. Since the Moors have learned that Muley Abd-errhaman has

made peace with the Christians, they have almost all gone over to the Emir, who still carries on the Holy War. Since that peace, almost all the country from Sous to Rabat has risen; the Emperor is only obeyed in the towns. Even the Ouled Muley Taïb, who exercise so great a religious ascendency throughout the empire, will no longer exert it for him; and the Emperor is so well aware of his precarious position, that he is gradually transporting his treasures to Tafilelt, in the Sahara of Morocco.

'Q. These Muley Taïb are then very powerful?

'A. No Sultan can be named without their assent. Sidi-el-Hadj-el-Arbi is now their head; and it is he who sends into Algeria the Sultans who invade it, after having read over them the Fatehah, or verse of the Koran which invokes victory.'

It cannot be doubted, that if ever the colossal project of forming a productive dependency, or European colony, in the North of Africa, be brought by the French to a successful termination, it will not be by force of arms. The Committee of the Chamber of Deputies, which has been sitting on this important question, under the able presidency of M. Dufaure, has solemnly disavowed the vulgar arguments by which the occupation of Algeria has hitherto been defended; whether as a rash enterprise, from which the honour and pride of France will not allow her to recede, or as a means of forming and exercising a formidable army. The undertaking, which now burdens the revenues of France with one hundred and twenty-nine millions of francs per annum, must be directed to a higher object than mere fighting, or it must be abandoned; and, however strong any one's impression may be of the impracticability of the scheme, and its ultimate discomfiture, it is nevertheless certain that the most able and impartial men of France, in the Opposition as well as in the Government, who have closely and patiently examined the question in all its bearings, entertain a very different opinion. To the establishment of civil government in the country, the first and most obvious condition, is to investigate and to respect the usages of the native population. That task has been ably begun in the works before us; and we wish that the French occupation of Barbary had left no vestiges less honourable to France, than these contributions to the history of regions heretofore so imperfectly known.

The picture which has recently been drawn of the state of the Colony, by the Committee of the Chamber of Deputies, disguises none of the difficulties of the enterprise. Whilst Abd-el-Kader was making his rapid and destructive incursions into the provinces of Algiers and Oran, the whole force of the army, and the whole intelligence of the Colonial Government, have been employed on the irksome task of ineffectual pursuit. The

domestic administration of the country has been neglected; no great or salutary institutions have been introduced; and a society, brought together by mere accident, is formed without the control of law, or any unity of purpose. The effect of the French conquest on the native population of the towns, has been in the highest degree detrimental to its morality and well-being. The elements of their peculiar civilisation have been shaken to the foundation. The *habous* property, or endowments for the various purposes of education, charity, and religion, have been confiscated or misappropriated; and the influx of European emigrants will, erelong, reduce the natives to the condition of helots in their own cities.

The principles laid down by the Committee, who acknowledge these facts, are humane and judicious. They recommend that the occupation of the country should be strictly confined to the region of the Tell; and that the French Government should confine its influence over the tribes of the Sahara, to the improvement of their roads, and the protection of the markets which they frequent. They are strongly of opinion that no wanton attacks, or unnecessary expeditions, should be made against the Tribes,—such as the Kabyles of Djerjera, to the south of Dellys—who have neither resisted nor acknowledge the French authority. But, above all, and as an essential preliminary to the reform of Colonial administration, they suggest the creation of a distinct Department of the Ministry, for the government of Algeria; and recommend that the affairs of the dependency should be at once transferred from the control of the Minister of War, to that of an independent member of the Cabinet.

We are not sanguine that these reforms will be speedily or readily adopted. In addition to the natural difficulties of a most formidable enterprise, the government of Algeria is labouring under the effects of its own errors, and the inveterate abuses of an established system. The French have been deceived by the extent of their military resources; for they have relied on military power to effect what is not to be accomplished by force, but by the cautious interference, controul, and influence of civil government. If Clive had landed in India with 70,000 men, and proceeded at the head of that army to attack every race, every religion, and every prince of the Mogul Empire, he might have swept over the land at the head of such an irresistible force; but he would not have ensured the pacific administration of the British Empire in India. That Empire is the splendid result, not of mere conquest, but of conquest guided, controlled, and moderated by policy and civil

government; and in spite of the manifest differences between the population of India and of Barbary, policy and civil government, founded on the great principles of human nature and civilized society, are the only basis of lasting dominion.

Art. III.—1. *A Journal of the Parliament begun November 3d, Tuesday, anno Domini* 1640, *anno* 16*mo Caroli Regis. By Sir Simonds D'Ewes, Bart. Harleian MSS.* 162 to 166. *Brit. Mus.*

2. *The Autobiography and Correspondence of Sir Simonds D'Ewes, Bart.* Edited by J. O. Halliwell, Esq. Two vols. 8vo. London: 1845.

We think that it might help to forward useful purposes, if we should succeed in fixing the attention of our readers, for a short time, upon that memorable company of English gentlemen, which assembled at Westminster on Tuesday the 3d of November, 1640. History has assigned to them collectively the name of the 'Long Parliament;' and prejudice and ignorance have given to the majority of them, as individuals, other appellations less just and less agreeable: but time will relax even the adhesiveness of slander, and to its gentle influence we will leave them, whilst we endeavour to recall a few of the scenes and incidents in which they were engaged. An authority, too long overlooked, enables us to do so, with more particularity than any of those who have hitherto written upon the subject.

The Long Parliament proceeded to business on the 7th of November, 1640. Within a very few days afterwards, troops of horsemen, bearing petitions for redress of grievances, flocked into London, even from far distant counties;* and grave, sober men descanted with solemn earnestness upon many enormities in Church and State. Some poured out their lamentations over the attempts made in high places to 'evaporate and dispirit the 'power of religion, by drawing it out into solemn, specious 'formalities; into obsolete antiquated ceremonies new furbished 'up:' others were indignant that all of 'the religion' were branded under the name of Puritans, so that 'whosoever squares 'his actions by any rule, either divine or human, he is a Puri-'tan; whosoever would be governed by the King's laws, he is a 'Puritan; he that will not do whatsoever other men would have 'him do, he is a Puritan.'† Others, again, affected by more worldly considerations, exclaimed against 'the great and into-

* Whitelocke's *Memorials*, 38. † Nalson, i. 452.

'lerable burden of ship-money,'* the imposition of which, at the mere pleasure of the crown, made 'the farmers faint, and the 'plough to go heavy;'† against coat and conduct money; against the compulsory demand for arms,—people being threatened,—'if 'you will not send your arms, you shall go yourselves;' and against the giant, the monster grievance of at least seven hundred Monopolies. 'These,' it was said, 'like the frogs of 'Egypt, have gotten possession of our dwellings, and leave 'scarce a room free from them. They sup in our cup, they 'dip in our dish, they sit by our fire; we find them in the dye-'vat, wash-bowl, and powdering-tub; they share with the 'butler in his box; they have marked and sealed us from head 'to foot. They will not bate us a pin. We may not buy our 'own clothes without their brokage.'‡ The House was appealed to for justice against the great oppressions practised in Ireland; against the cruelties of the Star-Chamber; the open breaches of the privileges of Parliament, the illegal canons, the *Etcetera* Oath; the subserviency of the Judges who had overthrown the Law; the harshness of the Bishops who had forgotten the Gospel.§ Every member, as he rose, added his quota of complaint to the general mass; and as the sum-total of grievances gradually increased, the speakers glanced to the 'Achitophels' and 'Hamans' out of whose misdoings the mighty accumulation of wrongs had arisen.

The first blow was struck at the greatest of them all. Strafford was suddenly impeached and committed to the Tower; and this was done, and many Committees which were appointed to consider the grievances brought to notice, were all actively at work, in less than a week,—a proof of predetermination and preparedness altogether unparalleled in the history of popular movements.

A Fast-Day, with a general reception of the Lord's Supper in Westminster Abbey, followed; and thus we are brought on to Thursday the 19th of November. If we could look down upon the House as it appeared between eight and nine o'clock in the morning of that Thursday, we should see a considerable number of diligent members already congregated.

Prayers have been said. Speaker Lenthall, a Barrister of small practice, returned for Gloucester, and very unexpectedly thrown into the position of the First Gentleman of England, is seated in a comfortable cushioned receptacle, surmounted by the Royal Arms. The House is sitting in St Stephen's

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* *Ib.* 505. † *Ib.* 507.
‡ Nalson, i. 508. § *Ib.* p. 511.

Chapel,—a long narrow chamber of the fourteenth century, with a western entrance, and a large eastern window; in advance of the middle of which, at the distance of some few feet, stands the Speaker's Chair. The members are seated on rows of benches placed parallel to the walls of the Chapel, and rising, as in an amphitheatre, from an open space in the centre of the floor. We pass into the House by an avenue between rows of benches, and under a Members' Gallery, the ascent to which is by a 'ladder' placed at the southern, or right hand corner of the House as we enter. Under the gallery sits the 'learned' Selden, one of the representatives for the University of Oxford, and Maynard—'honest Jack Maynard'—a lawyer who had suddenly risen into eminence, under the auspices of Noy, the framer of the writ for ship-money. Maynard was now stepping into a good deal of the practice of his deceased patron; but it was not until politics had aided his professional advancement, that his gains, upon one circuit, amounted to the then unparalleled, and, in the estimation of a rival practitioner, almost incredible sum of £700. Maynard sat for Totness. As we advance beyond the gallery, we pass, on our right hand, the usual seat of Pym, one of the members for Tavistock, and the recognised leader of the popular party. On the floor of the House, at some little distance in front of the Speaker's Chair, stands the Clerk's Table, at which are seated, facing the entrance, Henry Elsyng, whose name shortly afterwards flew all over the three kingdoms, as the authenticator of parliamentary mandates, and who is ridiculed in Hudibras as *Cler. Parl. Dom. Com.;* and, on his left hand, John Rushworth, the compiler of the 'Historical Collections,' who had been recently admitted Clerk-Assistant. At the upper end of the front bench, on the Speaker's right, sits the elder Vane, treasurer of the King's household; and on the same side of the House, Sir Edward Herbert the Solicitor-General, Sir Thomas Jermyn, Sir Benjamin Rudyard, Sir John Evelyn, Sir Harry Mildmay, Strode, St John,—soon to succeed Herbert as Solicitor-General,—and Alderman Pennington. On the opposite benches were Henry Martin, Waller the Poet, Miles Corbet, and Sir Thomas Bowyer; Sir Arthur Hazlerig and Holborn usually sat in the gallery. These are all the Members whose accustomed places we have been able to ascertain; but the subsequent proceedings on that very morning, prove, that there were then assembled Hampden, Digby, Hyde, Falkland, Culpepper, Bagshaw, Deering, Grimston, Hollis, Nathaniel Fiennes, Sir John Hotham, and several others of celebrated name.

And now, a grave and somewhat stately gentleman, having

taken the oaths in an adjoining apartment, before Sir Gilbert Gerrard, the Lord Steward's Deputy, is ushered into the House. He is introduced to the Speaker by Sir Nathaniel Barnardiston, one of the members for Suffolk, and a distinguished leader amongst the Puritans. The new member is just thirty-eight years of age,—a man of formal precise demeanour; quite self-possessed and self-satisfied. He takes his seat on the front bench, on the left hand of the Speaker, just opposite the end of the Clerk's table, with an evident determination to enter into the business before the House. He gives a nod of recognition to 'old Cage,' Bailiff of Ipswich, and one of the members for that borough, who is sitting just behind him; and also to 'Squire Bence,' a merchant of that county who was returned for Aldborough; and then, drawing out pen, ink, and paper, commences Note-taking. This action reveals that he is near-sighted, and apparently has lost the sight of one eye.

The business before the House related to a contested return for Great Marlow. Maynard was reporting from a Committee, that the question turned upon the right to vote of certain Almsmen. The House was divided in opinion whether they should have voices or no. Up starts the new member,—dilates, after the frequent style of maiden speeches, upon the birth-right of the subjects of England, and moves 'that the poor should have a 'voice.' At a subsequent period of the same day, St John moved for a Committee, to examine certain records appropriate to the case of the Earl of Strafford. Nothing could be more fortunate for the maiden member. Records were his peculiar study and delight. He hastened to confide his attachment to Mr Speaker,—quoted 46 Edw. III. Rot. 2. No. 43, as a precedent in St John's favour,—and was rewarded by the House, which was then, as it is now, always ready to derive amusement from the gratification of any strange taste of an honourable member, by being put upon St John's Record Committee.

A more promising commencement of a parliamentary career has seldom been known; and whilst the honourable member plied his task of Note-taking, no doubt the questions ran round the House, 'Who is he? What is he member for?' To many of our readers the answer will convey but little information. 'It is 'Sir Simonds D'Ewes, member for Sudbury.' In vain stands he chronicled in the *Biographia Britannica*, and other similar Collections, the compilers of which have from time to time been guilty of

> 'The fond attempt to give a deathless lot
> To names ignoble, born to be forgot.'

His name arouses no echo in the hearts of those who read it;

it is not a name to conjure with; and therefore all attempts to preserve it from the inevitable doom have necessarily failed. And yet he was a man of some consideration in his own day; and it is essential to our present purpose that we should convey to our readers some impression of his character.

In order to do so we must go back to about the year 1575, when Richard Simonds and Paul D'Ewes were Chamber-fellows in the Middle Temple. Simonds, who was much the elder of the two, was a jovial merry man, of little eminence as a lawyer, but with sufficient practice to produce a competent, if not a considerable income. He married respectably, purchased an estate at Coxden in the parish of Chardstock, in Dorsetshire, spent his vacations there, (for in those days lawyers slept between term and term,) maintained a liberal hospitality, kept a cellar well stocked with 'cider, strong beer, and several wines;' and had moreover one only child, a daughter, whom he loved, as Polonius says, 'passing well.' Paul D'Ewes was a man of a very different character. He also was bred to the Bar, but his talent lay in the discovery of profitable investments for the patrimony which he inherited from his citizen-father. In his hands money made money; and it was his delight to watch it, and to encourage it, whilst in the act of accumulation. Preferring the safe to the pursuit of the brilliant, he abandoned the chances of legal practice, and sunk his fortune in the purchase of the office of one of the six Clerks in the Court of Chancery, worth at that time, about £1700 *per annum*. Being thus established for life, he married the only daughter of his old Chamber-fellow, Richard Simonds,—then of the age of fourteen; he himself being probably nearly three times that age. Simonds D'Ewes was the eldest son of that marriage, and was born at Chardstock on the 18th December 1602. Until his eighth year, he was brought up by his grand-parents, and was the spoiled child of an affectionate grandmother, and the pet and pride of his jovial grandfather. In 1611 both those worthy people died; and Master Simonds was transferred to the care of his money-loving father, and of an amiable pious mother, who was a convert and a disciple of the celebrated Gifford of Malden. D'Ewes saw but little of her, for she died in 1618, before his education was completed; but that little sufficed to fix in his mind the seeds of her deep religious feelings. Affection for her memory became the medium by which his heart was opened, to receive the deep things of Puritanical divinity.

His father destined him for the profession which himself had deserted, and, by a great abuse, he was entered of the Middle Temple when in his ninth year; so that nine years afterwards,

when he first went into Commons, he found himself, stripling as he was, 'Ancient' to above two hundred members of the Inn. During his legal studies, he suffered many things from the penuriousness of his father; whose income from his office, and from acquired property, was now near upon £3000 *per annum*. As his son's guardian, he had received the considerable personal estate which old Mr Simonds had bequeathed to his grandson; but all went into one common stock,—the young Templar being kept for years without a study, and upon a very insufficient allowance, which it was not always easy to obtain. When he complained, he was answered by alarming threats of a young wife and disinheritance. His only enjoyment was derived from his Commons in the Temple, which in those days was a kind of substitute for a Club.

In the meanwhile, his natural genius began to develope itself. He discovered, to use his own words, that 'records, and other 'exotic monuments of antiquity, were the most *ravishing and* 'satisfying part of human knowledge;' he also discovered, that his surest refuge from the discomforts occasioned by his father's parsimony, was to be found in a monied wife. To the Common Law, then, he gave a mere occasional glance; but to the double pursuit of Records, and Heiresses, he devoted himself with intense and passionate seriousness. Still, his father's crotchety and uncertain disposition, and his hankering after a second wife, stood in the young lawyer's way. He therefore cast about to find 'some 'good and ancient widow every way fit for his father to marry;' and having discovered such a lady in the person of Dame Elizabeth Denton, the childless widow of Sir Anthony Denton, a Kentish knight, he managed, with much ado, to fix his wavering father, whose fancy tended towards a younger helpmate; but ultimately, on a wet and gusty morning in March 1622-3, the young Templar, dressed out in all his summer braveries, descended with the ancient couple to the old Crypt Church of St Faith's, under St Paul's, where, to his great joy and comfort, the marriage was duly solemnized. Shortly afterwards, he was called to the Bar, and his allowance was raised by his father from L.60 to L.100 *per annum;* upon coming into which 'plentiful 'annuity' he laid the foundation of his valuable Library; and leisurely pursued his ravishing studies, and his search after some lady who might 'enrich his posterity with good blood,'—knowing it, he says, 'to be the greatest honour that can betide a family to be often linked into the female inheritrices of ancient stocks.' It was indeed D'Ewes's strongest passion to be thought a gentleman. He was perpetually dreaming of mighty ancestors,

dwelling long ages ago in Zealand;—Geerardts and Adrians, whom he talked about until he came to believe in their past existence, and marry them to great heiresses, and hunt through records to find them out. His greatest grief arose out of the fact, that their noble stock had suffered 'sad and overclouded 'interruptions;'—that is, that poverty had condemned some of them to hide their beams behind shop-counters, and carry on the humbler occupations of life, as if the D'Eweses had been no better than other men. This had been the case even with D'Ewes's own grandfather. He ardently longed to restore his family from their degradation; 'and seeing,' he says, 'the Divine 'Providence had blessed my father with a wife that was the heir 'of her father's estate and surname, I did not doubt but He would 'in mercy vouchsafe me the like happiness.' His wish was gratified. A lady was discovered; not 'a penniless lass wi' a lang 'pedigree,' but an heiress with a something in hand, and an ample estate in reversion, after the decease of her father's widow. She was a cousin of D'Ewes's religious friend and instructor, Sir Nathaniel Barnardiston. Her descent from William Peccatum who is mentioned in Domesday-Book, was imagined, to the satisfaction of D'Ewes; and on the 24th October 1626, after the usual match-making disputation, he was married, at the age of twenty-four, to Anne Clopton, only daughter and heiress of Sir William Clopton of Kentwell in Suffolk, who was of the mature age of thirteen years and a half! Upon his marriage D'Ewes quitted the Temple; procured the distinction of Knighthood, and devoted himself almost entirely to his 'Dear,' as he ordinarily terms his lady, and to the study of records;—assisting the one to draw out a catalogue of infallible signs, from which she might assure herself that she was one of the elect, and accumulating transcripts and compiling pedigrees from the other. The death of his father, on the 14th March 1631, put D'Ewes into possession of a considerable estate; and his station and importance in the county of Suffolk were shortly afterwards increased, by his wife's coming into possession of her inheritance. D'Ewes used his wealth to increase his Library, and went on studying Records, and amassing materials for various historical works, until withdrawn from literature into public life, by being appointed High-Sheriff of Suffolk, in the year 1639. Before this, however, he had finished his very useful compilation of *The Journals of all the Parliaments during the Reign of Queen Elizabeth;* but which was not published till after his death; when it was given to the world, in a folio volume, under the Editorship of his nephew, Paul Bowes, of the Middle Temple. We have seen copies

of this really valuable compilation, dated in 1682, 1693, and 1708; but whether these dates indicate new editions, or only new title-pages, we are not authoritatively informed.

The appointment just mentioned opened a new scene to his ambition. He felt strongly the troubles of the time. In his office of Sheriff he was brought into practical acquaintance with the great public grievances under which the nation laboured; and in an humble petition to the Council, he even ventured to bring before their notice certain records which went to prove the illegality of 'ship-money.' But the members of the Council were most ungrateful to the Antiquary. Under the influence of 'that little busy wheel,' as he terms Archbishop Laud, they replied in letters 'terrible, and threatening like thunder 'and lightning,' and turned him over to the Star-Chamber; where records and precedents were never very much regarded. D'Ewes was thus added to the army of Martyrs, and with his feelings of opposition to Arminian innovations, and illegal taxation excited by a sense of personal injury, he became anxious to try the effect of his records in Parliament. Failing in an attempt upon a borough in the west of England, he appealed to Sudbury, and, having been elected, returned himself in his capacity of Sheriff.

At the opening of the Parliament, he had not received his official discharge from his Shrievalty; and therefore did not immediately take his seat; but he came up to London with his Record Collections, his MSS. and his transcripts,—the artillery with which he was to carry on the war. He first established himself in lodgings in Millbank Lane; and soon afterwards in 'Goat's 'Alley, a little beyond the White Lion Tavern, near PalaceYard,' —an obscure retreat close to the House. In his study there, we may imagine him, industriously groping for records applicable to an anticipated debate, or writing home to his 'Dear,' bulletins of his wonderful achievements. On that very 19th November 1640, when we have seen him take his seat with so much distinction, he reported his proceedings to her thus:—'I spake 'thrice this morning in the House, and, at my second speech, 'vouched a record.' The 'vouching of a record' was indeed D'Ewes's vocation; and let no one imagine that it was a vocation without its use, especially in days like those. Questions of most tremendous moment were in agitation;—questions which extended even to the breaking up of the fountains of the great deep, out of which the existing government arose. How few men are there in any generation who can look at such questions with a steady eye! The multitude are dazzled and blinded by the brilliancy of the more than sunlight which surrounds great

principles. But, concentrate a portion of that brilliancy in a precedent, and every man, even the meanest, can look upon it, and follow its guidance, and steer by it.

For many months, the men of the Long Parliament were glad to have D'Ewes's records and precedents, even at the price of submitting to his continual displays of egregious vanity, and self-satisfaction. And so he went on, day by day, constant in his attendance, always ready to talk, often talking the merest nonsense in the world, in a pompous grandiloquent way, altogether ludicrous; and, during all that time he kept up that practice of taking Notes, which he had commenced at his first entering into the House. In spite of the inconvenience arising from defective sight, still he persevered,—paper upon his knee, and ink hanging from his buttonhole, making History by a minute record of every thing that took place around him. These Notes present us with a complete picture of the House in its ordinary proceedings; and a chronicle of the important businesses which were transacted during a period of several years. For some part of the time, they have been copied and written out in a narrative form, in a respectable hand; in other places, we have nothing but the rough jottings down of D'Ewes's own pen. At first, when we begin to read them, all is obscurity, as dull and dense as that which overclouds the pages of Rushworth, Nalson, and the Journals; but as we go on, the mist gradually grows less dense,—rays of light dart in here and there, illuminating the palpable obscure; and in the end, after much plodding, and the exercise of infinite patience, we may come to know the Long Parliament as thoroughly as if we had sat in it.

The members assembled at eight o'clock, and proceeded immediately to prayers. After the discovery of Waller's plot, in June 1643, and the taking of the Covenant in the following September, various alterations were made by old Francis Rous in the accustomed form of prayer. In addition to the Spanish Invasion, and the Gunpowder Treason, the escape from which was formerly commemorated, there was now added a thanksgiving for 'our deliverance from a wicked plot and conspiracy of divers 'persons of the court, city of London, and this House; tending 'to the destruction of the Parliament, city, and kingdom, and 'of that which ought to be most dear unto us, the true religion.' Prayer was then offered, 'that every one of us may labour to 'show a good conscience to thy Majesty, a good zeal to thy 'word, a loyal heart to our now gracious King Charles, and a 'Christian love to our country and commonwealth; and that, 'according to our intention expressed in our oath and covenant, 'we may endeavour every one to amend his own way, and show

'forth a real thankfulness in a holy life, and in serving and 'pleasing Thee, who hast given such great deliverances to us.' There followed a supplication that his Majesty might be blessed in the conversion of the Queen, and in his hopeful issue, and that he and that assembly might again be united.

After a time, the early attendance of members began to slacken. Even after prayers, Mr Speaker was occasionally fain to sit for some time near the Chair, 'expecting company.' Several contrivances were adopted to overcome this remissness. At one time, a roll of members was called over; and at another it was ordered that whoever did not come at eight o'clock, and be at prayers, should pay a fine of one shilling. On the first morning after this order was made, there was an excellent attendance. The House was full, but prayers could not be read—Mr Speaker himself was not there. At a quarter before nine, in he walked. Prayers over, plausible Sir Harry Mildmay congratulated the House upon the good effect of yesterday's order; 'and said to the Speaker, that he 'did hope that hereafter he would come in time; which made the 'Speaker throw down twelve pence upon the table. Divers spake 'after him; and others, as they came into the House, did pay 'each his shilling to the Serjeant. I spake,' said D'Ewes, whose father stirred within him at the sight of a shilling paid unnecessarily, 'to the orders of the House, that the order made yes-'terday was to fine "*after*" prayers; and therefore you cannot—'(addressing the Speaker)—be subject to pay; and, for coming 'in a little after eight, that was no great difference. Although I 'spake truly, the Speaker, having cast down his shilling, would 'not take it up again.' On the day following, another little scene took place upon the same score. There were about forty members present at prayers, and it was ordered that the fines of yesterday and to-day should be given to Dr Leighton, the sufferer in the Star-Chamber, who was in great distress. A petition was then begun to be read:—'Some coming in and refusing 'to pay whilst the aforesaid petition was reading, divers called 'out to them to pay, and so interrupted the clerk's assistant who 'was reading it. Mr John Hotham stood up and said, that the 'time appointed for men yesterday by the order was at eight, 'and that the chimes for that hour went, just as he came into the 'House. But the Speaker telling of him that prayers being 'past, he must pay, and he still refusing, it was put to the 'question, ruled affirmatively, and ordered accordingly. Where-'upon he took his shilling and threw it down upon the ground; 'at which some called him to the bar, others that he should 'withdraw, and the Speaker, standing up, did sharply reprove 'him for that action as being a contempt to the House, which

'caused him, as I conceive, a little after to withdraw out of the 'House, though he returned again this forenoon.'*

The shilling fine was soon given up; but another rule adopted in this parliament attained a firmer footing. On the 26th November 1640, there was a long dispute as to who should speak; many members stood up at one time, each claiming precedence, and each backed by his friends. The confusion became intolerable. Some rule preventing such discord in future became indispensable; and at last, as D'Ewes tells us, the House determined for Mr White, and 'the Speaker's eye' was adjudged to be the rule in future.

From prayer-time the House sat until noon; after which no new motion could be made without leave. After a time, afternoon sittings became frequent, and at last permanent. When the House made a general order for sitting in the afternoon, D'Ewes remarked, that he would not oppose it; but he hoped, 'that all men would be pleased to sit, and not the greater part 'to depart to Hyde Park, plays, and bowling-greens, and then 'to leave the burthen of all business upon some four score of 'us, which was the cause we often met to little purpose.'

D'Ewes was a close observer and recorder of the movements of the Speaker's hat,—a counter of *congées* and reverences. He could tell to a hair's-breadth the very place to which every stranger should be admitted into the House, according to his degree; where the mace should be found at any given moment of time; who might be covered and who not; who should sit in a chair with arms, and who in one without arms; and who should stand and who should kneel, and what is the symbolical difference between a black rod and a white one. Such minute particularity is always amusing, and adds to the pictorial effect of the writer's description, even when it has no higher use, which it often has. Thus, to give an example: when Lord Keeper Finch was to be admitted into the House to make an apology or defence of his conduct, in procuring the extrajudicial opinions of the Judges in favour of ship-money, 'it was disputed whether 'he should come in here like others, to sit with his hat on—as 'once the Earl of Southampton did, and others did that came to 'confer here—or stand bareheaded as other petitioners did,' and further, whether he should sit or stand. In the end, D'Ewes tells us it was

—'agreed he should have a chair, and to leave it to his own discretion to sit or stand. So a chair was set on the left side of the House,

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* *Harl. MS.* 163, fo. 476 a.

a little above the bar, and so he was called in. The serjeant came in before him, and he brought the purse with the great seal in it himself, and having made three reverences he laid the purse on the chair and stood by it, leaning his left hand on it, and so he made a long and well-composed speech. But before he began to speak, the Speaker, sitting in his chair with his hat on, said to him, &c. He afterwards told him, Your Lordship may sit down if you please. But he spake standing, and so having ended his speech, after a reverence made, took up the purse and departed. The serjeant stood all the time by him, on his right hand, with his mace on his right shoulder.

'After his departure divers spake; and it was the general sum of all of them he had rather aggravated than mitigated his crimes by his speech. . . . Some spoke to find him guilty of treason, others to defer the question. Mr Perd spoke exceeding well to shew that this denying to put the vote of treason was to blow up the Parliament without gunpowder. . . . . To the first question, that the Lord Keeper is guilty of high treason and other misdemeanours, there were only two or three "Noes." To the second, to send up to the Lords to accuse him, all said "Aye," and not one "No;" but being past twelve o'clock, we understood the Lords were risen.' *

The appearance in the House of another great offender is thus chronicled, under the date of November 2, 1644:—

'The chief work of this day was the coming in of the Archbishop [Laud] to the House of Commons, whom Alderman Pennington brought in about ten of the clock, to hear Mr Samuel Brown, a lawyer of Lincoln's Inn, and a member of the House of Commons, to sum up his charge against him. He first kneeled at his coming in at the bar, and was then bidden to stand up by the Speaker, and a chair without arms being set for him, he was afterwards admitted to sit down, and made use of a pen and ink to take notes as Mr Brown summed up his charge against him, which consisted of two general heads. . . . At my coming in I found Mr Brown summing up the charge, who continued speaking near upon half an hour in my hearing. Then the clerk read some of the special heads of accusation to him. Then Brown spake again, and urged other matters against him. The Archbishop wrote all the while without spectacles, reasonable fair, he being about seventy years old; which caused in me much admiration. The serjeant stood by him on his right hand all the while, without the bar, with his mace on his left shoulder. The Speaker then told him, that he had heard his charge summed up against him, and if he had any desire to make any defence, the House was willing to hear him. The Archbishop then standing up, without any change of countenance, or show of fear, and bowing himself, first acknowledged that Mr Brown in urging his charge against him had dealt fairly with him, and then shewed that the charge was long, himself old, and his memory short, and his late troubles and sufferings great, and therefore desired that some convenient [time]

* *Harl. MS.* 162, fo. 90 a.

may be appointed him, that he may be heard to give a satisfactory answer, and that he had drawn up a petition which he desired to read to the House. Whereupon the Speaker wished him to withdraw, which he did, and the House, upon debate, resolved that he should have liberty to read what he desired. Then being called in again, he read his petition without spectacles, which was to desire the House to grant him time to answer and to hear his evidence.' *

For a considerable time D'Ewes and his records were treated with great respect. He put himself forward in the House as a zealous assistant of the movement party; helped them to precedents against Strafford; led on the prosecution against Dr Cosin; offered himself as one of the sureties to the city for £1000 upon the first advance to pay the armies in the north; found a precedent for a city-guard when that notion was first started; brought against ship-money the old precedents he had formerly sent to the Council; advocated the restoration of the parliamentary franchise to the decayed boroughs; spoke strongly against the canons of 1640 and the *Etcetera* oath; and all this within the first week after he took his seat. It is no wonder that a man who could thus exert himself was received with favour by a party as yet unacquainted with its own strength; notwithstanding the pedantry of his speeches, and the frequent inapplicability of his records. Sometimes, indeed, he brought his record knowledge to bear in very odd ways. Thus, when Sir Arthur Hazlerig first introduced the bill for settling the militia, a great uproar ensued. 'Many cried, "Away with 'it!" and others "Cast it out!"' Sir John Culpepper said, 'That he wondered that the gentleman in the gallery should 'bring in such a bill.' Sir Thomas Barrington wished that it might be rejected. Strode and D'Ewes spoke in favour of it; but many members 'used very violent expressions against it. Mr 'Thomas Coke said, that one Hexey in the Parliament *in anno* 20 'Richard II. brought in a bill against the King's prerogative of 'far less consequence than this, and was therefore condemned as 'a traitor. Mr Mallory said, that he thought this bill was fit to 'be burned in Westminster Palace Yard, and the gentleman to 'be questioned that brought it in. Some excepted against Mr 'Mallory's speech, and thought it fit to be questioned; but Mr 'Strode said, he thought Mr Mallory's speech in some sort ex-'cusable, because it was occasioned by the speech of a gentleman 'who sat near him, viz. Mr Coke, who had once before cited a 'dangerous precedent in this House; whereupon, after a little

* *Harl. MS.* 166, fo. 152.

'dispute, the said Mr Coke having explained himself, but that 'not satisfying the House, was commanded to withdraw.'

In the mean time, D'Ewes rushes out of the House to his lodging in Goat's Alley—turns over his papers, searches out Hexey's precedent, finds that the bill he introduced was not for the curtailment of the prerogative, but to interfere with the private expenses of the King; and that, although Hexey was declared guilty of treason, he was immediately afterwards pardoned upon the intercession of the Prelates. Back comes D'Ewes to the House in the full-blown dignity of exclusive information; and remarks with condescending compassion, that the gentleman now withdrawn was a young man, and a man of hope, and therefore he desired that he should not be too much disheartened; that he thought him more punishable for misreciting than for citing; and then he went into the question of the applicability of the case of Hexey; and concluded, 'That the 'greatest censure I would have laid upon this gentleman is, 'that he would cite no more records till he had studied them 'better; at which divers of the House laughed;' and Coke was called in and admonished 'how he did allege or apply prece-'dents' in future.

Such instances, and there were several such, but we have not space to dwell upon them, with D'Ewes's invincible self-possession and command of temper, and a faculty of giving utterance to little witticisms of that kind which 'gentle dulness' loves, gave him a certain station and prominence. The leaders of the House occasionally complimented him. Hampden acknowledged himself a convert to D'Ewes's arguments in favour of the right of Seaford to return burgesses. Old Sir Harry Vane, pointing towards D'Ewes's vacant seat, regretted the absence of the gentleman who was so well versed in records. Sir Robert Pye, on another occasion, 'stood up,' says D'Ewes, 'and did 'me that undeserved honour as to desire that the House would 'assent to this part of the proviso, seeing that learned gentleman 'who was so well skilled in records—and then he looked on me '—had shewed, &c.' Sir William Litton, and another member, further inflated his self-importance by assuring him, that the House could not well spare him.

On his own part, D'Ewes never neglected any possible avenue to popularity. He took the protestation willingly. He offered to be bound for L.2000 when the city hesitated about advancing money; and, stirred up by Goodwyn's pulpit drum, and the horrors of the Irish rebellion, he volunteered a subscription of L.50 per annum towards maintaining the Irish war. He had written down his offer, and chanced to show the paper to Mr

Walter Long, who delivered it to the Speaker; 'at which,' says D'Ewes, 'I, blushing, would have hindered the reading of it, 'but divers called to have it read;' and so it was read, and the Speaker and the House eulogized the blushing patriot; and Hampden moved that it should be entered on the Journals as 'a 'great public service.' So also he was ready on all occasions to talk, vouch records, or come to the rescue on behalf of any member of his party. We will quote an instance which occurred on the 9th February 1640-1, upon a debate respecting the Bishops.

'Sir John Strangways rose up and spake on their behalf, saying, if we made a parity in the church, we must at last come to a parity in the commonwealth; and that the bishops were one of the three estates of the kingdom, and had voice in Parliament. Mr Cromwell stood up next and said, he knew no reason of these suppositions and inferences which the gentleman had made that last spake. Upon this divers interrupted him, and called—To the bar. Mr Pym and Mr Hollis thereupon spake to the orders of the House, that if the gentleman had said any thing that might offend, he might explain himself in his place. I also spake to the order of the House, and showed that I had been often ready to speak against the frequent calling men to the bar in this House upon trivial questions. For to call a member to the bar here is the highest and most supreme censure we can exercise within these walls; for it is a rending away a part from our body; because if once a member amongst us is placed at yonder bar—then I looked towards it—he ceaseth to be a member. I could not better compare it than to excommunication, &c. I therefore moved, that if any man hereafter should, without just cause, call another to the bar, that he might be well fined. So, after I had spoken, Mr Cromwell went on and said—he did not understand why the gentleman that last spoke [*i. e.* to the main question] should make an inference of parity from the church to the commonwealth, nor that there was any necessity of the great revenues of bishops. He was more convinced, touching the irregularity of bishops, than ever before; because, like the Roman hierarchy, they would not endure to have their condition come to a trial.'

But it was not in the nature of things that this wonderful unanimity should last long. D'Ewes's demands upon the homage and the patience of the House were excessive; and his appetite for adulation, ever craving and insatiable, increased by what it fed upon. He became a glutton, a very horse-leech, in his importunity for highly-seasoned compliments to his erudition, and humble submission to the authority of his records. The first indication of a difference of opinion between D'Ewes and his friends occurred on the 23d December, 1640. On that day D'Ewes, who a fortnight before had contended against the granting of any subsidies, in which the popular party was overruled, now supported the grant of four subsidies, upon the ground of making 'the plaster as big as the sore.'

The next cause of dissension was the Triennial Bill, brought in by 'Mr William Stroud, a young man;' the second reading being moved by 'Mr Cromwell.' Clarendon tells us, that this bill 'found an easy passage through both Houses, and by the 'King had an equal reception.' D'Ewes states in one of his letters, that the King was extremely troubled at it, 'as Sir 'Henry Mildmay, the master of the jewel-house, told me; nay, 'I was informed this day from Mr Henry Percy, brother to the 'Earl of Northumberland [afterwards a leader in the army plot,] 'that he heard the King say, that he would never pass this bill 'whilst he had life.'

About the same time we find D'Ewes involved in a dispute with Pym; which turned upon the antiquarian question of whether the two Houses of Lords and Commons anciently sat together or not. Coke's opinion was adduced in favour of the affirmative tradition. D'Ewes controverted the authority of the legal sage; and safely offered to go a hundred miles a-foot to see any authority to that effect. Pym, being unable to gratify the ardent Antiquary, wisely endeavoured to keep him to the main subject in debate, which was the settlement of a subsidy bill in a committee. But D'Ewes, once roused, could split straws with any one. He must needs raise the whole question of Episcopacy, upon the occurrence in the bill of the words 'Lords 'Spiritual.' That point being put aside by Pym, the Clerk's-assistant went on reading the bill without any more dispute, till he came to that part where the University of Cambridge was placed before Oxford; and then the Oxford men cried out to have that ranked in the first place. The Cambridge men cried out 'No, no!' and D'Ewes, who had been twelve months at St John's, rushed into the breach in defence of *alma mater*;—offering to prove 'out 'of exotic and rare monuments remaining yet only in ancient and 'rare manuscripts, not known to many,' that 'Cambridge was 'a renowned city at least five hundred years before there was 'a house of Oxford standing, and whilst brute beasts fed, or 'corn was sown, on that place where the same city is now seated.' His speech on this occasion,—one of his greatest displays,—was printed.

This speech was D'Ewes's culminating point. From that time, the bickerings between him and the popular leaders became more frequent. The House began to be tired of, and to laugh at him; the Speaker resented his perpetual interference in trifles; Martin and Strode subjected him to their rough horse-play; and he himself was terrified at the strong measures which were necessary to maintain the House in the position which it had assumed, and to the maintenance of which he was

pledged by many votes. The parliamentary declaration to the city, in July 1642, brought the bickering to a climax, which must be given in D'Ewes's own words. It occurred on Saturday the 23d of July, 1642.

'I withdrew out of the House about twelve of the clock, and returned a little while after. This long, impertinent, and dangerous declaration was then read through, and one was speaking to it as I came into the House. Divers fiery spirits then called "to the Question;" and the Speaker was standing up to put it, which made me ask him, sitting near him, what question he meant to put? He answered me, whether it should pass or not. Whereupon I stood up and spake in effect following, being extremely provoked at their unjust and violent proceeding.' [Here follows a speech, in which D'Ewes advocates a second reading, and alleges that great part of the proposed declaration is to be found in a pamphlet already in print; adding, that 'in one place it doth lay a scandal on Queen Elizabeth's reign.'] 'I have entered this speech at large, so far as I could call it to memory; that so posterity to come may see, that when those furious spirits of the House of Commons were irritated with my freedoms of expression, that had for about four months last past resisted, and often also alone, without being seconded by any (who were most of them overawed, as the king hath well set out in some of his late declarations and answers), their bitter and irreverential language towards his majesty, and their fierce and hot preparations for a civil war, they took this frivolous and unjust occasion to call in question what I said at this time. The first fiery tongue that fell upon me was one Mr William Strode, a notable profaner of the Scriptures, and a man doubtless void of all truth of piety, whose vanity I had several times of late reproved publickly; and he said, that I had offered wrong to the committee whom the House had entrusted, in laying an accusation upon them, as if they had transcribed this declaration out of a pamphlet in print, and desired that I might explain myself. Whereupon I stood up and said, that I had not alleged that the committee had taken it out of a pamphlet in print, but that it was in a pamphlet in print, &c. But notwithstanding the just apology I had made, divers of the violent and fiery spirits called upon me to withdraw; and one Mr Carew, my formerly seeming friend, Mr Nathaniel Fiennes, and Mr Denzil Hollis, a proud ambitious man, took other frivolous exceptions at what I had said, which I thought not worth the answering, but rather chose to withdraw into the committee chamber, although Mr Waller stood up and offered to speak against my withdrawing. Divers cried that I should not withdraw, and some catched at my cloak to stay me, as I went along towards the committee chamber. After I was withdrawn, these fiery spirits, though I had always concurred with them, hoping that their profession of religion, at least of some of them, was unfeigned, and oftentimes held up their cause ever since the beginning of Parliament, except in the matter of the triennial bill, and their last four months' violent preparation for a civil war, grew ashamed to execute their malice against me to the full, which at first I verily believed they had intended; for I expected

nothing less than that, being caused unjustly to withdraw, they would either have sent me prisoner to the Tower, or discomposed me out of the House. But God, who restrained the devil in the case of Job, did so far overawe them, as though the said Strode and Hollis, and one Mr Henry Martin, whom I had once or twice brought off in the House, being questioned, for indiscreet words which deserved a reproof far better than mine, did vent their scurrilous and windy wit upon me; yet the House agreed to have me speedily called down again, and to express an acknowledgment in my place for what I had said, and that the Speaker should admonish me for it. Being thereupon called down to my place, and standing up, the Speaker told me that the House took offence at what I had said, and therefore expected from me that I should acknowledge my fault and my sorrow for it; but I. knowing the integrity and uprightness of mine own heart, and how unjustly I had been questioned, spake in effect following:—[That he was sorry for the *manner* of delivery, &c.] Having thus spoken I sat down in my place, and did put on my hat; whereupon that firebrand Strode, who had first taken exception, stood up and said, that he was altogether unsatisfied with what I had done, for I had rather justified myself in what I had delivered than acknowledged any fault; in which his malicious heart did dictate mightily indeed to his tongue. But Mr Nat. Fiennes stood up, and did very nobly express himself, saying, that I had done enough, &c.; so the said Strode's malicious motion came to nothing. The Speaker then spoke to me again, and I stood up, and told me that the House took it worse from me, "in respect of my great learning and knowledge"—such were the words he used—that I should speak any thing which might trench upon the actions of a committee, than they would have done from another man, &c.; and so I sat down again in my place, and continued there till the House rose. . . . This horrible ingratitude for all my services, and injustice towards me, proceeding from divers who professed religion, made me resolve to leave off further writing and speaking in the House, and to come as seldom amongst them as I could; seeing liberty of speech was taken away, hoping to spend my time much better upon my invaluable studies. Nay, divers of these men, forgetting the solemn protestation they had made before God to preserve the privileges of Parliament, would have excused this injury done unto me, by affirming that they did it only to be merry with me; others, who abhorred this action of theirs, observed, that by my vindicating and justifying myself after my return from the committee chamber, they received more dishonour by questioning me, than if they had been silent. ——'*

A proceeding which did such violence to D'Ewes's self-esteem, destroyed for a time all his interest in parliamentary business. Thenceforth he went to the House late, sat there silent and chagrined, and stole away early. In his estimation, all freedom of debate, all chance of accommodation with the King—every

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* *Harl. MS.*, 163, fo. 676, b.

thing was lost, on that fatal Saturday. Malice and faction became triumphant. The men whom D'Ewes had previously followed, almost implicitly, were discovered to be 'hot and fiery 'spirits;' Henry Martin was 'a fiery heathen;' Glyn 'a 'swearing profane fellow;' John Gurdon 'a violent, ignorant 'man, Henry Martin's ape;' and young Pye, a son of that Sir Robert whose praise had lately been so delightful in the ears of D'Ewes, was found to be 'a more simple fellow even 'than his father.' Thenceforth, D'Ewes's Diary became a *Jeremiad;* no longer the register of the great achievements of the Record Member—the ample chronicle of all he said and did, and how others flattered him—but a sorrowing and fragmentary memorial of the misdeeds of erring profligates, ruined by the rejection of their Mentor. Grieved and wounded by their ingratitude, D'Ewes shrouded himself in dignified sorrow, and sat by, a mere spectator of the great Drama that was playing out around him—save only when the course of events rendered it necessary for him either to relinquish his seat, or to lay aside for a moment his stern magnanimous reserve. An instance of that kind occurred in August 1642.

The King having set up his standard, and the Parliament placed their troops under the command of the Earl of Essex, a royal proclamation was issued, declaring the parliamentary general to be a traitor. The House of Lords passed a vote, pledging the members of that assembly to maintain the Earl of Essex with their lives and fortunes; and at a conference between the two Houses, this resolution was communicated to the Commons, with a desire for their concurrence. D'Ewes tells us that the Earl of Essex, being present at the Conference, stood up and said, 'That he had not undertaken the command out of any 'ambition, and that, far from being disheartened by the king's 'proclamation, he should proceed with greater courage and 'alacrity.' He added, 'That neither should he be afraid to 'meet a great man that was to be opposed against him; by 'which,' says D'Ewes, 'he meant the Marquis of Hertford, 'who had married the Earl of Essex's sister, had several children 'by her, and was like to be heir to the Earl of Essex himself, 'who had no children.'

The following details regarding the proceedings of the 'hot 'spirits' are not a little striking:—

'Divers of the members of the House of Commons,' proceeds D'Ewes, 'being returned from the conference, notwithstanding it was so late, yet caused the door to be presently shut, so as those that would come in might, but no one could go out; and then the report being made, divers of the hotter spirits were not content to pass the vote

which the Lords had passed, in a fair, ordinary, and parliamentary way, by one general question to which every man might have freely given his "Aye" or "No" without fear; but contrary to the protestation, and contrary to all precedent, forced every man to answer particularly whether they would venture and hazard their lives and fortunes with the Earl of Essex, Lord General. And whereas one Mr Jesson, one of the burgesses for Coventry, being an ancient man, did only desire a little time to consider of it before he gave his answer, they would not permit that, but compelled him to answer presently, whereupon he, not being satisfied in his conscience, gave his "No." At which these hot spirits taking great distaste, the Speaker, unworthy of himself and contrary to the duty of his place, fell upon him with very strange language for giving his No; and when the poor man, terrified with the displeasure he saw was taken against him, would have given his 'Aye,' they would not permit him to do that neither. Sir Guy Palmes and Mr Fettyplace were so overawed by Mr Jesson's misfortune as they answered "Aye" without any further debate, and so did many others who came dropping in from dinner, not knowing what had been done, and was doing in the House. Nay, they were not satisfied with this vote, but agreed to have a Covenant drawn which every man should be engaged in, and so a committee was named to that end.' *

D'Ewes at first evaded this dangerous Obligation, and absented himself from the House for several days, in the hope that he might thus escape it altogether. But that was impossible. On the 27th August, Henry Martin drew the attention of the House to the circumstance, that there were several members present who had not made the declaration of adherence to Essex. Glyn, who had been formerly absent, immediately led the way with a cordial 'Aye,' and was followed by the younger Vane, Sir William Armin, Sir William Morley, and several others. At length it came to the turn of Sir Thomas Bowyer, who was sitting next to D'Ewes, on his right hand. He said that he agreed with the declaration, in as far as it was consistent with his oath of allegiance to the King. The Speaker had already declared that every member should give an unqualified answer; and when Sir Thomas Bowyer resumed his seat, there was a great outcry of 'Withdraw! Withdraw!' He rose as if to comply, but D'Ewes entreated him to remain, and he resumed his seat. The Speaker then told him, that if he were not satisfied to give 'his single "Aye," he might give his "No."' He instantly did so. The House seemed upon the very verge of an uproar, when D'Ewes was appealed to by several members around him.

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* *Harl. MS.* 164, fo. 1060 b.

'I stood up,' records the indignant martyr-member, 'being the first time I had done so since the unjust proceedings against me on Saturday the 23d July last past, and I said, that I saw the particulars for the defence of which I was to declare myself were all conjoined, and therefore I might very well give my "Aye" to it, which I did. At which some snarling spirits began to take exception; but the Speaker, conceiving to himself how he had overdone his work on the said 23d July, stood up and said, that I had answered as fairly and fully as possibly could be desired, and that he himself had given his Aye in the same notion; and thereupon the House slighted those begun cavils, and I sat still.

'Sir Thomas Bowyer hearing what I had said, stood up again, desiring the favour of the House that he might not be surprised upon the sudden, this question being new to him; and that now, understanding from what had been last spoken, (by which he meant what I had answered,) that all those particulars were taken in a conjoined sense, he was ready to give his Aye for it, and so he did; which was accepted, though Mr Strode and one or two more opposed it.' *

It is thus that with its 'conjoined sense,' and its 'non-natural 'sense,' and suchlike pitiful quibbles, sophistry has evaded the force of solemn obligations, in all ages of the world.

The conclusion of D'Ewes's Notes respecting the departure of Essex upon his daring service, presents him to us, as treating his masters of the Commons in a very bluff and unceremonious manner. His eloquence was evidently to be found in his sword rather than in his tongue.

'The greater part of the House went up to the Painted Chamber, conceiving . . . that the Earl of Essex would have made some set speech at his departure . . . But the Lords coming out with the said Earl a little after the committee of the House of Commons had placed themselves, he stood up and spake only these words . . . "My Lords, You have employed me about a service which I am very willing to undertake, and therefore I desire to know what you will please to command me;" and so, putting on his hat, made an end of speaking; and the company soon after departed, thinking this message somewhat ridiculous, that the Lords should send a solemn message for the members of the House of Commons to meet them in the Painted Chamber, because the said Earl might take his leave of them; and then, in that which he did speak, he did only apply himself to the Lords, and not so much as take notice of the House of Commons, or name them, which it seems was the reason that, as soon as the House of Commons was set, the Lords sent down a message . . . . that if the Speaker or any of the members of the House of Commons would be pleased to come and take their leaves of the said

* *Harl. MS.* 163, fo. 688.

Earl of Essex, at Essex House in the afternoon, he would be very ready to give them entertainment . . . and the House rising soon after, the Speaker and divers of the members of the House of Commons went into the court of wards to the said Earl, who, being then taking of Tobacco, did salute them with his hat in one hand, and the Pipe in the other.

'He went through London between two and three o'clock, going from Essex House with about three hundred horse, the trained bands of London standing in the streets, the pikemen on one side and the musqueteers on the other, to guard him as he went along; and, to make the solemnity the greater, he passed through Fleet Street, and so up Ludgate Hill into Cheapside, and so to Bishopgate, and so crossed over Moorfields up to Islington, and there, a little after he was past the Artillery Garden, lighted off his horse, and went into his coach with six horses, and having coaches layed by the way for him, went this night to Dunstable, thirty miles from London, in his way to Northampton, whither he got the next day, a great part of his army attending him there; and, amongst other particulars, he caused to be carried along with him his coffin and winding-sheet, and funeral escutcheons ready drawn.' *

The once busy D'Ewes, hovering silently over this tumultuous scene, rather than mixing with it, still continues his melancholy record of whatever comes under his notice; and especially, with something of a fellow feeling, of whatever happens to members, who, like himself, chanced to fall out of favour with the 'fiery spirits.' There were many such instances. When Sir John Culpepper was sent from the King with a message to the House, D'Ewes gives the following account of his reception. After a debate as to the way in which he should be called in, the Serjeant was sent out for him, with the mace.

'Whether he were surprised with fear or astonishment, or the unexpectedness of his calling in, I know not; he followed the serjeant in, almost as speedily as he could return back again, and being come to the bar, and there standing bareheaded, looked so dejectedly as if he had been a delinquent rather than a member of the House, a privy counsellor, or a messenger from his Majesty. The Speaker, then sitting in his chair, and keeping his hat on, said, "Sir John Culpepper," without styling him Mr Chancellor of the Exchequer, "the House understands that you have a message from his Majesty, which they give you liberty to perform." Whereupon he said only, that his Majesty had sent by him a message in writing, which he had ready to deliver to them, and so delivered it. And then the Speaker wished him to withdraw, which he did accordingly.' †

Other appearances in the House, far more humiliating than

* *Harl. MS.* 163, fo. 710 b.

† *Harl. MS.* 163, fo. 680 b.

that of Sir John Culpepper, are recorded by D'Ewes. Waller's conduct on his several examinations, in connexion with his plot, is very fully described—particularly his miserable, abject mien and aspect, before that very Assembly which had been many a time delighted by his eloquence, and enlivened by his wit. Such was the effect of his appearance upon his old associates, that many of them could not forbear shedding tears. Hotham, the man who had refused to admit his sovereign into Hull, was still more overpowered with grief; but in both, there was a mixture of sycophancy. Waller practised subtle adulation, whilst 'he ex-'pressed in his tone and gesture the lowest degree of a dejected 'spirit.' Hotham wept with such intensity and passion, 'as 'to deprive him of the very faculty of speaking, and he often 'struck his right hand upon the bar where he leaned, holding 'a walking-staff in his left, so as the Speaker, perceiving in 'what case he was, bade him withdraw.' And yet D'Ewes records of this same man :—

'Mr Pym then moved, that whereas it had been ordinarily reported that Sir John Hotham could discover something of his transporting money, he desired that he might be called in again, and the question asked of him.' This was accordingly done. 'At which, looking on Mr Pym, who sat next the bar on his right hand, he said in a fawning, flattering way, "What! I, sir! I say anything of Mr Pym! Truly I do not know whether you speak to me in jest or earnest, for I know nothing of it, more nor less." The Speaker then asked, whether he had not formerly said that he did know? "No truly, sir," answered he; "for if I had said so, I had told a famous lie." At this latter carriage of his, all that wished him well were more ashamed than at his former.'

D'Ewes had many other troubles besides those which resulted from the failure of his parliamentary career. In July 1641, his wife was attacked with smallpox, following hard upon a confinement, and died on the 27th of that month, during his absence in London, and under circumstances extremely distressing. His grief was acute but transient. They had had many children, but she left no son surviving. The desire of perpetuating his noble name was too deeply rooted in the heart of Sir Simonds to allow him to remain long a widower. Guided by the same motives which influenced his former choice, he selected Elizabeth, daughter and coheiress, with only one sister, of Sir Henry Willoughby of Risley in Derbyshire. They were married on the 20th September 1642; and on the afternoon of that same day, D'Ewes had the pleasure of introducing his bride to Mr Speaker, who met them walking amongst the fashionables in St James's Park.

This second match was quickly followed by another attack upon D'Ewes, in the House of Commons, which we must allow him to describe. It is under the date of Thursday 22d September 1642.

'I came in between 10 and 11. . . . The Speaker delivered in a letter which had been lately sent him by Sir Roland St John, Sir John Dryden, and others of the committee at Northampton, in which they sent an examination of one Roan . . . . in which he confessed that he was employed in Staffordshire by Lieutenant-Colonel D'Ewes, to raise men for the regiment of Colonel Bolls. . . . The House made some little stand at the clerk's pronouncing my brother's name; but the Speaker told them that it was my brother, and I acknowledged it; and the particulars having been read, the House was ready to lay it aside, but that Mr Henry Martin, who had long affected an infamous fame to make fiery and indiscreet motions, stood up and desired, that I, being brother to him who raised men against the parliament, might declare what I would do for the defence of the parliament. After I had sitten a pretty while, I stood up and said, that perhaps he who last spake might have a brother subject to error as well as myself, (and he had a brother that was a very debauched spendthrift;) but that neither himself nor I could be called to answer for our brother's faults, and that, if it had been in my power to dissuade him from going on this expedition, he had not been there now amongst them. And for my declaring myself, I should be ready as soon as I knew how much of mine own I can be master of, to declare myself in such way as to give satisfaction to this House. But one Glyn, a lawyer who had long sided with the fiery spirits, and Sir William Armin, said that this was no satisfactory answer; whereupon divers near me desiring me to declare myself, I stood up again and spake in effect following. . . . "For Mr Glyn he cannot know the state of my affairs, and for the other gentleman who said the county in which my estate lies is in as good condition as any county in England, it is indeed very true that we do as yet enjoy quiet there; but my tenants do learn wariness from other places, and pay little rent, and I may truly say that for near upon two years that I have served in this House, and that with much diligence till I have had some diversion of late, (viz. in prosecuting my second blessed match,) I have scarce looked into mine own estate, or know much more of it than he doth. I shall therefore desire liberty to retire into the country for a month or two to get in my estate." That I would freely give them L.40 down presently, and would enlarge it according as I could get in that which belonged to me. I thought I should have given full content by this free offer; but some of the fiery spirits, grown into a real envy against me, because of the late great marriage God had vouchsafed me, . . . began to cavil at my proffer; and Sir Robert Harley had so little wit as to desire that I should declare what I would do, [which occasioned a further discussion, in which Glyn, Sir William Armin, and Sir Harbottle Grimstone took part, and,] in the issue, my offer was neither accepted nor rejected . . . only I still pressing the House for liberty to go into the country, the Speaker told them, that I had married a fair lady, and therefore they had great reason to give me

leave to accompany her into the country. . . . This motion also . . . was neither granted nor rejected."

On the 11th October Sir Gilbert Gerrard renewed these motions on D'Ewes's behalf; and 'some of the fiery spirits being absent,' obtained for him the desired permission to retire for a month into Suffolk. The difficulty he had found in procuring this accustomed liberty, gives proof of the suspicion with which he was regarded. He had become, indeed, a constant opponent of the parliamentary leaders, and there never was a man who was less able to contend discreetly. His opposition was a disputatious, quarrelsome altercation, which annoyed without frustrating, and disposed his adversaries to take advantage of every opportunity for retaliation. The position of his brother, no doubt, added to the jealousy which his own conduct inspired, but that cause of quarrel was soon removed. This promising soldier, 'a young man,' says Clarendon, 'of notable courage and vivacity,' was wounded in the attack upon Caversham bridge during the siege of Reading; and, being removed into the town, died there 'very cheerfully.' The news instantly produced another, and a very unfeeling attack upon D'Ewes in the House. Mr John Gurdon, one of the representatives for Ipswich, and member of a family between which and that of D'Ewes there had been a long-standing friendship, assailed him in a way which he declares to have been as ungrateful, 'in respect of some par-'ticular obligations from him to me,' as it was certainly in bad taste, if not, as he terms it, 'barbarous.' Gurdon would have had D'Ewes instantly called to account for his brother's estate—some L.4000 or L.5000 of ready money, as he alleged, besides lands—saying that the money would come very fitly to be sent for supply to the Lord Fairfax. Thus called upon, D'Ewes stood up, and 'though,' as he says, 'the business was very sudden 'and unexpected to him, being newly clad with a sad and mourn-'ful habit,' his crafty wit supplied him instantly with a miserable evasion. By assuring the House that his brother died in his bed at Reading, he would have led them to believe that he had not been killed in arms against the parliament. 'If,' he continued with more truth, 'you will take his property from me by force and violence, so you may deprive me also of the rest of my estate.' The greater part of the House was satisfied, and several exclaimed, 'God forbid we should take any thing away which was 'given you!' The Speaker echoed this sentiment, but Gurdon still persisted, exclaiming several times aloud, 'I am sure he died 'a traitor to the parliament!'—Clownish words, says D'Ewes; but which the House so far regarded as to refer the matter to the Committee of Sequestration; notwithstanding his declaration

that although his brother had once had L.4000 or L.5000, he had spent it all in foreign travel, and had left only fifteen shillings in ready money. Before the Sequestrators, D'Ewes's adroitness did not forsake him. 'I told them that I had one word to trouble 'them with concerning myself. That I was lately unhappy in the 'death of a brother, who had left me his sole executor, with only 'fifteen shillings. If it be taken from me, it concerns this 'gentleman near me, (viz. Sir Ralph Verney, who stood next 'me on my left hand, whose father, Sir Edmund Verney, being 'knight-marshal and bearing the King's standard, was slain at 'Edgehill,) and some members also of your Lordships' house, '(for Earls Holland and Manchester were then present at the 'Committee ;) whereupon Earl Holland asked me who it was had 'so little wit to move such a thing.' D'Ewes merely remarked that it had been moved, and so got off scot-free.

One cannot wonder that a man whose heart had long been cold to the Parliament cause, and who was thus badgered in the House, should lose all interest in its proceedings. He removed from Goat's Alley to Great Russell Street, cultivated the acquaintance of Archbishop Usher, who was then Lecturer at Covent-Garden Church, fell back upon his Antiquarian studies, amassed MSS., planned great historical works, and attained the consummation of his wishes, in the birth of a thriving boy. His Parliamentary Notes descend only to November 1645, but he continued in the House until December 1648. He was then excluded by Colonel Pride and the army. His death took place on the 18th April 1650.

It is principally—though not entirely, witness his before mentioned *Journals of Queen Elizabeth's Parliaments*—as a member of the Long Parliament, and as a taker of Notes of its memorable Sayings and Doings, that Sir Simonds D'Ewes is worthy of being had in remembrance ; and our chief object in presenting our readers with a sketch of his character, is to direct public attention to those Notes. We are not acquainted with any Historical Memorials of that momentous period, that can be at all compared with them in point of importance ; and yet they remain unpublished—inaccessible to all but the frequenters of the reading-room of the British Museum ; illegible to those not acquainted with the manuscript characters of the period ; and subject to all the chances to which the information contained in one single copy of a work is ever liable. The extracts which we have given, exhibit the nature of the historical materials and anecdotes to be found in them ; but of these they present only an imperfect idea, and insignificant portion ; for we have strung together only those which are the most nearly connected with

the Collector. There is not, however, a man of any parliamentary importance during that ever memorable period, whose character they do not strikingly illustrate. Cromwell, Hampden, Pym, Strode, Martin—all the leaders without exception—and many other persons who exercised an influence in that House for which the world has not yet given them credit, are here brought before us times out of number—in their very habits as they lived—and with a reality which we seek in vain in any of the other memorials of that period. A man of D'Ewes's character would of course chronicle many things which it would have been well to let die; but, in spite of his trifling, and his verbose semi-legal phraseology, and his prejudices, which were violent, he has written down on these blotted sheets, facts and circumstances which, if published, would do more towards making known the real history of the times, and the characters and motives of the men who overturned the Monarchy, than any publication yet given to the world.*

ART. IV.—*Lyrical Compositions selected from the Italian Poets; with Translations.* By JAMES GLASSFORD, ESQ. Second Edition, greatly enlarged. 12mo. Edinburgh: 1846.

A FEW months only have elapsed, since the author of this precious volume closed a long life, calmly and modestly devoted to the most ennobling pursuits of our lettered nature. He, indeed, laid upon the altar of Philosophy and Literature, an offering as pure as any that has ever been there presented—as little alloyed by those meaner motives which are commonly needed to prompt a continued devotion to mental exertion.

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* It is not a little surprising that so valuable a Repertory should not yet, in one way or another, have seen the light. The funds of our private Publishing Societies would have been far better employed in printing this Diary than upon hundreds of such Pieces as some of them have published. It forms five volumes of the *Harleian Manuscripts*, No. 162 to No. 166, preserved in the *British Museum;* and it is quite distinct from the *Autobiography* of D'Ewes, (in the same collection, No. 646,) lately published, and whose title is given at the head of this Article. The *Autobiography*, which comes down only to 1636, certainly contains some curious passages, but, as a whole, it is exceedingly uninteresting. It would, however, have been of greater historical value, had it been more intelligently and carefully Edited.

The highest reward for years of secluded labour, was found by him in the refined pleasure attendant on the labour itself; and the fame which would have been sought and gained by spirits more enterprising than his, but not more richly endowed, was supplied to him in the approbation bestowed on his pursuits by those chosen friends, who had learned how to value his intellectual accomplishments, and his moral worth.

His first works were of a professional cast. In 1812, when he had been nearly twenty years a member of the Scottish bar, appeared his 'Remarks on the Constitution and Procedure of the Scottish Courts of Law;' an enlightened and manly estimate of the excellencies and imperfections of the Scottish judicial system, accompanied by a valuable appendix of historical matter. In 1820 he published 'An Essay on the Principles of Evidence, and their application to Subjects of Judicial Inquiry.' This treatise, but for the length to which it was allowed unwittingly to extend, would have appeared in the *Supplement to the Encyclopædia Britannica*—its original destination; and to this it owes a breadth of plan which must have affected unfavourably its reception by the public. Metaphysicians do not seek for instruction in law-treatises: lawyers distrust independent metaphysical speculation. Mr Glassford's able Essay being partly metaphysical, partly professional, was ill calculated to command an audience in either quarter. The first part of it, a systematic analysis of the origin of human knowledge, is founded mainly on the doctrines of Stewart, and the other Masters of the Scottish Metaphysical School; but it exhibits much general reading, and no inconsiderable power of original philosophic thought.

Its author had already attained, in a careful study of the writings of Bacon, a thorough mastery of the principles of the Inductive Logic; and had indeed executed a translation of the *First Book* of the *Novum Organum;* to which he had been encouraged, and which was greatly commended by Mr Stewart. This translation, with a series of notes, and an appendix of remarks, was printed the year before his death. It was then, like most of his later volumes, communicated only to his private friends; but it has since been made accessible to the public. It possesses distinguished merit in all its parts. The translation, if not every where beyond question, is, in the main, exceedingly faithful as well as clear; in point of closeness it may be compared favourably, not only with the paraphrase of Shaw, but even with Mr Wood's estimable version; and the perusal is made at once more agreeable, and more instructive, by the chaste and happy manner in which the diction, without being rendered

ruggedly antique, is approximated to that of the English writings of the immortal author. The notes and appendix abound in thoughtful illustrations, both of the principles upon which the Baconian philosophy rests, and of the nature and limits of its applications; while, at not a few points, the writer diverges to gather attractive matter for reflection from those poetical studies, which shared his attention with the laws of scientific discovery.

In the study of Poetry, as in the study of Philosophy, Mr Glassford's position was much higher than that of the merely receptive amateur. He delighted to speculate on the processes of the poetical art, as well as on the profound problems suggested by its results; he delighted to practise poetical composition, in that unassuming manner of which he twice gave pleasing specimens; and as to which, it is admitted by all competent inquirers, that success in it must be gained by the exercise of powers, among which skill in the use of versified language is but one of the smallest. Several years ago he printed privately, with a critical preface, a modernized version of the 'Ella,' and some other pieces of the ill-fated Chatterton. But his favourite poetical reading lay in the Literature of Italy; and his affection for it, and his admirable knowledge of its masterpieces, gave birth to the Translations, Preface, and Notes, which, with the original text of the poems selected for translation, fill the interesting and polished volume now before us. It was first published in 1834; but its enlargement and correction were among the latest occupations of his ever thoughtful life, and the new edition before us, has been issued, as already mentioned, under directions left by him to his Executors.

Lyrical poetry, although in some of its walks it is the proper poetry of the people, is yet, in the mass, and especially in its most highly elaborated developments, less extensively popular than any other species. The pure lyric is *caviare* to the multitude: if it has gained an audience fit, though few, it has attained its utmost triumph, even over those to whom it is originally addressed. The mixed lyric, again, as well as the pure, is at once less readily appreciable than any other kind of poetical composition by those to whom its language is not native, and less easily transferable into a foreign tongue, even by those who attempt the task with the most masterly skill, and the finest natural endowments. The execution of a perfect lyrical translation would be a poetical quadrature of the circle. But there exist English versions of foreign lyrics, which are, at the same time, delightful poems in themselves, and excellent representatives of the poems from which they are taken; and such praise, in both respects, belongs to not a few of the little pieces which now lie before us.

The sterner and more passionate touches of his original are those with which the translator deals least satisfactorily. It happens sometimes, also, that he is unable to catch with complete exactness of apprehension, or to remodel with complete aptness of expression, some deeply pregnant burst of fancy, or some highly felicitous turn of diction; but in such passages he is often singularly successful. Altogether, his translations evince both a rare capacity for apprehending poetical images, especially those which are suggested by external nature, and a very delicate sense of that which is graceful and tender in moral feeling. The taste of the diction is almost every where without a fault.

A taste not less accurate, and a severe seriousness of sentiment, have directed the choice of the specimens translated; and these form a collection of small poems, at once beautiful in themselves, and interestingly illustrative of the history of Italian poetry. The picture which it presents is no doubt flattering; the translator has gathered rich and fragrant flowers, in a garden in which grow many worthless herbs, and not a few noxious weeds: but elevated feeling and purely beautiful imagery are never more worthy of admiration, than when they arise in the midst of thought that is grovelling, and taste that is perverted.

The lyrical poetry of Italy is one of the most remarkable features in the literature of the nation. Indeed, if we compare the history of that literature with the literary history of other European countries, we may find reason for believing its characteristic peculiarity to consist in the sedulous cultivation, and systematic moulding of the lyric. It is little to say that the number of lyrical poems written in the Italian language has been greater than the number of poems belonging to any other class. This is nothing more than what is true in regard to every other cultivated nation. The lyric, in one or another of its forms, is the vehicle of expression which naturally suggests itself to minds struggling, rather to give vent to poetic feeling, than to create works of poetic art. But it is a different thing to assert what is equally true, that by the Italians the lyrical poem has been more thoroughly elaborated into a work of art than by the poets of any other country; and that, in the standard poetical literature of Italy, the lyric holds a more distinguished place than that which belongs to it in the poetry of any other European language.

The fact is so. It is not indeed to be forgotten, that the Italians have bestowed upon the world masterpieces of genius in higher circles of the poetic sphere. It is not to be forgotten that their delicate and musical language was so moulded, in the great Epic of Dante, as to express worthily the sternest manli-

ness of thought, the most profound intensity of passion. It is not to be forgotten that the pseudo-chivalry of their petty courts was the only apparent reality, out of which sprang Ariosto's labyrinthine realm of cheerful enchantments, and Tasso's symmetrical world of romantic and pathetic beauty. All this must be remembered with thankfulness and reverence. But it must be remembered also, that these are no more than isolated phenomena; which were neither effects nor causes of any thing distinctive, in the progress or general character of the literature amidst which they stand. The narrative poetry of Italy, wonderful as is the individual excellence of its most august monuments, does not possess any characteristic national originality, except in the Vision of Dante alone—that sublime Vision of the world of spirits, which did not, and could not open upon any other eye. The drama again, a kind of poetry which, where it has flourished, has always appeared in schools, had indeed its Italian school in the sixteenth century; but the artificial dryness of the works which issued from it was very unlike the native brilliancy, which, not long afterwards, marked, though in different ways, the dramatic literature of France, Spain, and England. Even in didactic poetry, in which circumstances were more favourable to success, the Italian language did not acquire, in its very zenith of brightness, any work of more than secondary merit.

In truth, even in the departments just spoken of, Italian poetry was strongly affected by the influence of the lyrical models. Every one of its great poets cultivated lyrical poetry fondly and with success. The idea of incorporating the lyrical form with the dramatic, gave birth, in the sixteenth century, to those exquisite pieces of pastoral dialogue which, in a more recent age, encouraged a man of fine genius to venture on the creation of a new and anomalous kind of composition; in which genuine dramatic poetry should be wedded to modern stage-music. Nay, even into the severest and loftiest works of art, that appeared in narrative poetry—the 'Jerusalem Delivered' being the most striking example—there entered much, in imagery, in feeling, and in diction, which, if not properly lyrical, was at least more closely allied to the lyric than any thing that has found its way into similar works of high merit, in any other language.

In the mean time, however, the Italian poets had broken into the domain of lyrical poetry with the energetic spirit of discoverers, and had trodden its tangled paths as pioneers, whose steps all Europe was to follow. Drawing the first rudiments from their Provençal masters, they had been able, before the middle of the fourteenth century, to mature a new theory of lyrical art, not only setting up as the law of its forms a frame-

work which it was never to desert, but extending its competency, in respect of matter, to a province of which it had not till then taken formal possession. Of the pure lyric, the model was the symmetrical Canzone, though several freer forms were allowed as occasional indulgences: the Sicilian Sonnet, whose name has passed with its rules to other countries, was the recognised name of a mixed species, in which the lyrical poem was modified by elements borrowed from the didactic.

In both of its sections—in the severe laws confining the poem in point of form, and in the tempting license which widened the field of its matter—the critical system thus established, and exemplified by Petrarch and the ardent minds of his age, continued to be obeyed with humble emulation by their successors. The restrictive rules were made comparatively light by the metrical flexibility of the language. The permission to engraft reflective thought on poetic fancy, in short and symmetrical compositions, became a signal boon, in circumstances which rendered the cultivation of the more ambitious kinds of poetry a task difficult or hopeless. In all its prescribed forms, but oftenest of all in that of the sonnet, the Italian lyric took its stand among the most honoured works of poetical art. Men of genius, men who were themselves eminent in invention as well as in criticism, did not disdain to devote a whole Essay or Lecture to the elucidation of a single Canzone or Sonnet. Elsewhere the word 'rhymer' was a term of slight account, if not of positive scorn; but, in the land of artists, it was by the name of 'rimatore' that the successful lyrical poet was enrolled high on the file of fame; and the most finely endowed minds—alike those to which verse was but an infrequent pastime, and those which sought in the art of poetical composition a means of pouring forth the high thoughts and burning fancies of a literary life—were proud to be found worthy of contributing their mite to the standard collections of lyrics or 'rime.'

It was thus that the poetical literature of Italy put on the aspect of a garden, boasting, indeed, but a few magnificent specimens of those lordly plants that 'need ample verge' as well as a kindly climate and a genial soil; but glowing every where with the fragrant loveliness which skilful culture imparts to the native wild-flowers of the meadow and the wood. It is thus that, without searching more widely for instances, we find, in the poetical casket now open before us, jewels laboured by workmen whose hands were practised in more ambitious tasks; artists who in most other nations would have disdained to busy themselves in shaping and polishing such diminutive gems as the Canzone, the Madrigal, or the Sonnet. In a collection of this sort, we ex-

pect to find such names as those of Petrarch, or Della Casa, or Filicaia, with those others for whom lyrical poetry was the peculiar field, and that of Metastasio, whose musical lyrics are the very life of his sweetly tender dramas. But we are reminded that Dante himself struck the lyrical chord; we are presented with pieces from Ariosto, and Trissino, and Bernardo Tasso, and Marini; we have something taken from the many sonnets and canzoni which were written by the iron pen of Michael Angelo; and several of the poems to which the series chiefly owes its charm, were effusions of the graceful imagination, and deep susceptibility of Torquato Tasso.

The Translator, however, while he has not been dazzled by names of high account, has not allowed himself to be alarmed by the equivocal reputation which stains some names in the list of Italian lyrists. The fact not only does credit to his discriminating taste, and his quiet courage, but has enabled him to receive into his poetical gallery not a few of the most finely touched sketches which it contains. Among the Italian poets of the second order, and especially among the lyrical writers of the seventeenth century, there are some whose names are, even among the more judicious of their own countrymen, the synonymes of vicious diction, or extravagant imagery, or affected thought. The few among us who are extensively familiar with the minor poetry of the language, know well that, among the writings of these very authors, there lie scattered a few pearls of the finest water. Several such Mr Glassford has disengaged from their shells. He has adopted several pleasing trifles from the poems of Menzini, Di Lemene, and other victims of Baretti's 'Literary Scourge.' Nearly twenty of the translations, some of which are among the finest of the series, are sonnets and canzoni of Carlo Maria Maggi; a Lombard of the end of the seventeenth century, to whom justice has hardly been rendered by any of his countrymen, except his friend Muratori. It would be agreeable to dwell long on the classic repose which marks the imagery in several of this poet's little pieces; and on the placid solemnity of their tone of feeling, often rising into devout religious musing. It must be enough to quote one of the Sonnets, which, though less imaginative than some of the others, is to us very delightful, for the harmony which it expresses between the contemplative mind and the loveliness of rural scenery.

'This sweet and silent clime already throws
New spring into my soul; the fanning air,
The brook, the shade, my weary thought repair,
And feast the sense, and give the mind repose.

Its wonted fears the heart no longer knows;
And pure delights again their blossom bear:
Now the mind reigns, and, freed from other care,
God's law contemplates, at his goodness glows.
Thus peace and joy in healthful seats renew
The golden age once more, not loath to fly
The city haunts, and bid the court adieu,
How streams the radiance of an open sky!
What charm has nature in her simple hue!
The soul what grandeur in her liberty!"

But of all our Translator's tributes to the shades of men whose fame is either tarnished or inadequate to their merits, none has rewarded him better than that which he has paid in a very unpromising quarter. The *Adone* of Marini, a ponderous narrative poem, is the most provoking instance ever known of the abuse of gorgeous imagination, and warm passion, in the service of vicious taste, and perverted judgment. Its author is deservedly notorious as the most active of the *seicentisti* in the corruption of poetry. Yet he has written a few very fine lyrics. One of these is thus presented to us, with no unfaithfulness to the original, beyond one or two very slight and allowable softenings of over-colouring.

'Oh thou, the birth of Silence and of Night,
Father of fleet and lovely forms that fade,
Soft Sleep! upon whose noiseless chariot stayed,
Love bears the spirit oft to realms of light—
Now, in the lap of shadowy visions bright
When every heart but mine is gently laid,
Oh, leave awhile thy grots replete with shade,
Dark as my thought, and haunts of sad delight.
Hither, oh come, with fond oblivion sweet,
And tranquil brows on which I love to rest,
Shedding thy balm into this troubled mind;
That if no more I can expect to find
In thee the dream of bliss, I may at least
Behold death's image, whom I fain would meet.'

It is without the pleasure of surprise, that even those who know Torquato Tasso only by fame, or through his chivalrous epic, perceive the exceeding beauty which adorns his Sonnets and Canzoni, and which is well represented in the full store of specimens here offered to us. It is a fact not to be mistaken, that the bent of Tasso's genius was strongly lyrical. In that fact lay, at the same time, his strength and his weakness. Never was any poetic spirit more finely attuned than his; never was any mind endowed with the power of conceiving more harmonious images of ideal loveliness. But he was not able to give, to the personages

of his great poem, that dramatic force of characterizing which is required for exalting the epic to its full height of historical representation. The spell which entrances us in the *Gierusalemme* resides in its strains of heroic or sorrowful emotion, and in its scenes of fancied beauty and repose: it arises, in a word, from a cast of imagination and feeling which partakes of the lyrical character, and to which the poet in his minor works gave utterance in a lyrical form. Engrafting the lyric on the dramatic dialogue, and pitching even the dialogue in the lyrical key, he conjured up, in the *Aminta*, a fairy region of passionately amorous dreams, as enchanting as any that youthful fancy ever drew. In his tragedy of *Torrismondo*, partly composed in the wretchedness of his prison, the tendency is even more striking. The harrowing story of this drama is treated with very inadequate tragic power; but it is gemmed with choral odes solemnly pathetic beyond description. They are the voice of genius idealizing its own sufferings. The last of these choruses—*Ahi lagrime! ahi dolore!* is unspeakably touching: it is the sobbing of the poetic heart whose strings are about to break; its wailing melody is like a gush of tears. This remarkable little piece is quite unsusceptible of being rendered into other words: therefore it is not surprising that an utter failure has been incurred, both by the present Translator, and by another man of letters who had made the attempt before him. But the same reference to the poet's own feelings and history meets us yet more prominently in many of his separate lyrics; and in some of them the personal reference is movingly direct. There is much that is admirably fine, both in the diction and versification of these pieces—in the harmony with which the imagery and feeling are combined, and in the solemn spirit of religious musing which many of them breathe. One of them, the unfinished canzone to the river Metauro, is in some sort the poet's own dirge. In the introductory stanza, he describes, in picturesqe allegory, the shelter which, on the bank of the fleet and wild mountain-stream, the oak of Urbino afforded him, from those wounds which fortune had inflicted upon him through the whole of his hapless life.

'Since first I breathed this air,
Ah me! since first I met the glorious light,
Which never to these eyes unclouded shone,
I was her fatal care,
Chosen to be her mark and her despite:
Nor yet those early hurts by time outgrown.
Well to that spirit pure my words are known,
Beside whose sainted tomb my cradle stood:
Might they have laid me in the peaceful ground

When I received the wound!
Me from my mother's bosom fortune rude
Tore while a child: Oh, yet I feel those last
Kisses and burning tears upon my cheek,
With sighs remember'd: still I hear that meek
And ardent prayer, caught by the rising blast;
Then parted ever; no more face to face
Folded in strict embrace,
And held by close and loving arms so fast;
Ah! but, like Ilus or Camilla, hied
With steps unequal by my father's side!

'In banishment I grew,
And rigid want—instructed by our strange
Disastrous flight to shed untimely tears—
Nor childhood's pleasure knew;
But bitterness to me of chance and change
Brought immature the bitterness of years.
Despoil'd and bare, his feeble age appears
Before me still. Alas! and is my store
Of griefs become so scanty, that my own
Are not enough to moan?
That others than myself I must deplore?
But seldom, though I bid, will come the sigh,
Or from these wells the gushing water spring,
In measure suited to my suffering.
Dear father! now my witness from the sky,
Whom sick thou knowest how I mourn'd, and dead
Pour'd on thy grave and bed:
My ardent heart!—thee in thy mansions high
All bliss beseems, and unalloy'd with pain:
Only for me the sighs and tears remain!'

* * *

Among those feelings of a manly and generous cast, in which the writings of the Italian lyrists abound, all are not by any means merely personal. Some there are, and these in many places nobly expressed, which possess universal interest. Among the objects which excite them most warmly is that unhappy land of their birth, which its better spirits have not loved the less that they have not always loved it wisely; and towards which they have looked with an affection only the more intense, because of that deep sadness which, from the fifteenth century to the present hour, its destiny has inevitably inspired. Calamities passing before the eyes of a nation, and weighing down the hearts of its citizens, cannot become the theme of any poetical effort loftier than that which is made by the lyric—a kind of poem whose spirit consists essentially in individual emotion. But to such

efforts the miseries of Italy have again and again prompted the highest minded of her children. The waters of bitterness, although impotent to overleap in a full torrent the barriers by which they are confined, have yet from time to time broken forth, in many an interrupted burst, in many an imaginative strain of sorrow and despair—in many an aspiration of half-deceiving hope. Several interesting specimens of the sort, two of Filicaia's patriotic sonnets among others, are contained in the volume before us. It is not in our power to linger over them; and there is the less temptation to do so, since they are by no means among the most successful efforts of the Translator.

Even a more lively interest belongs to another class of feelings, to which the Italian lyrics give expression very frequently, though not with a frequency corresponding to the proportion which they hold in Mr Glassford's volume:—very many of the pieces he gives, and especially of the sonnets, are strictly religious poems. These were recommended to him, not only by the excellence which many of them possess, but also by that deeply religious feeling which he has shown in all his works, and which was a striking feature in his personal character. They add much, both to the poetical excellence of his collection, and to its value as an illustration of the literary and moral history of the nation in which they came to light. Every one knows, that all phases of emotion are expressed with much greater openness and freedom by the southern nations of Europe, than by those of the north. Further, in regard specially to religious feeling, it appears to us that its expression is more undisguised among Catholics than among Protestants. In the quiet frankness with which a serious Roman Catholic sets about the offices of devotion, there is much that might shame the adherents of a purer faith. Yet the fact springs from causes which are not altogether pure. The highly ceremonial character of the old worship, has an unquestionable tendency towards making devotion degenerate into a thing of form; and the Italian Catholic, while he kneels in open prayer before the altar of his church, with all the semblance of penitence and awe, may yet be further from his Maker in feeling and in thought than the Scottish Presbyterian, who shuts up his religious adoration in the recesses of his own heart, and refuses to let the utterance of it have place amidst the noisy publicities of life. Thus, although it is a truth well worth notice, that religious sentiment does spread much more widely over the poetical literature of Italy than over our own, it is equally true, that it is there mixed with much of debasement, from which our own poetry is almost wholly free. Strains of warm devotion, strains whose humble fervour is seemingly unalloyed by any thing unworthy,

are presented to us by Italian writers, whose own works show their thoughts to have dwelt fondly on objects far less pure. It is not indeed a long step, with a man like Petrarch, from idealized thoughts of love to emotions of supernal awe, and words of reverential worship. But it is with less satisfaction, that one reads religious poems from the pen of Giovanni Della Casa, who was one of the loosest of the Ecclesiastical libertines of the sixteenth century, and who, in his *Capitoli*, approved himself as one of the most ingenious of all men in the art of decently veiling gross obscenity. Still, notwithstanding all drawbacks, we think with pleasure, and may turn back with profit, upon many of those serious and solemn poetical effusions, which are scattered widely among the minor poems of Italy; and of whose existence we are bound to take account in estimating the moral character that belongs to the literature of that singularly inconsistent nation. In the Collection with which we now deal, there are many such pieces, on the study of which no unpleasing recollection intrudes. We watch, with respect and satisfaction, the emergence of the religious spirit in such men as Tasso, and Filicaia, and Metastasio.

But no such spectacle is more impressive than that which is before us, when we behold Michel Angelo, the stern, and wilful, and lauded man of genius, prostrating himself before God in humble confession of sin;—dejectedly acknowledging the nothingness of all earthly aims, and seeking in the Divine mercy a refuge from human weaknesses, and human disappointments. Many of his Sonnets are really hymns or prayers. Mr Glassford, whose sensitive taste was probably offended by the prevailing harshness of the language and versification, has given but one of them. It does not appear to us to be one of the best; but any such specimen of the poetical genius of a great artist worthily employed, should not be passed over.

'Now my frail bark through life's tempestuous flood
Is steer'd, and full in view that port is seen
Where all must answer what their course has been,
And every work be tried, if bad or good.
Now do those lofty dreams, my fancy's brood,
Which made of art an idol and a queen,
Melt into air: and now I feel, how keen!
That what I needed most I most withstood.
Ye fabled joys, ye tales of empty love,
What are ye now, if twofold death be nigh?
The first is certain, and the last I dread.
Ah! what does sculpture, what does painting prove,
When we have seen the cross, and fix'd our eye
On Him whose arms of love were there outspread?'

If Mr Glassford has increased the value of his Collection by giving a pre-eminence somewhat beyond the fact to the religious lyrics that lay at his command, he has increased its value yet more, by putting decisively in the background those amatory pieces which were before him in thousands. This prevalence of sickly love-ditties is, indeed, the greatest vice of Italian poetry. Ever since the days of Petrarch, the lyrical poem, but especially the sonnet, has been seriously held to have served its most worthy purpose in singing the fanciful distresses of some amorous swain: manliness of feeling, and reality of object, have oftenest been lost sight of together; and an artificial language has been framed, which has been not only put to use in this kind of composition, but allowed to influence the style adopted in others. But, in the fact last hinted at, there may be found something which is a slight palliative of the offence, and which ought to be distinctly understood, if we would give fair treatment to the minor Italian poets. The love-sick diction of the Sonnets and Canzoni is very often nothing more than words. It is not designed to be literally apprehended. It is, in many cases, nothing more than a conventional form of language; according to which phrases of sexual love are to be held as imaginatively representing various thoughts and emotions not belonging to the affection primarily signified. This is most palpable with respect to the nobler and stronger of those spirits, who disported themselves in this poetic grove of Paphos. By Dante himself, in an age when the tone of sentiment was vigorous to wildness, deep thought and powerful feeling, bent upon objects beyond sense and time, had been sensualized and personified in the image of an earthly affection, purified by the hand of death, illumined by the lamp of religion. In later times, when the pressure of external life lay upon men's hearts, not as an exciting light, but as a darkening shadow, it was but natural that the poet should be willing to obey those venerable precedents, to which he was to owe the privilege of wrapping up his hesitating or gloomy view of life in the veil of exaggerated or fictitious passion: and the conventional form was very usually retained, even when there was no especial reason, except habit and prepossession, why a more natural mould should not have been substituted. If we keep this prevalent artificiality of language clearly in view, we shall be able, not indeed to admire as we could admire that which is natural and spontaneous; but to gain a clue to many perplexities that would otherwise act repulsively in our study of the Italian poets. We may thus, for example, understand in part how Michael Angelo himself did not disdain to speak the quasi-Platonic language of Petrarch, alike in addressing words

of friendship and respect to Vittoria Colonna, and in struggling to give representation in sensuous imagery to his ideal of art, or to his loftiest conceptions of religion.

Two other characteristics of the Italian lyric there are, which are discussed by Mr Glassford in his Preface. The one is, that inclination to artificial imagery and strained thought, which prevailed at several points in the history of the national literature; and on which the writer, with his usual good taste, comments briefly but severely. The other is, the extreme elaboration which the Italian lyrical poems have received in point of form; and which he contrasts, approvingly, with that carelessness of finishing, and those formal irregularities, which he reprimands in the most popular poetry of our own day.

It would have pleased us to be able to deal with both of these topics, for the illustration of which the minor poetry of Italy would furnish an instructive store of materials. But the inquiry would involve some theoretical considerations, upon which we cannot here enter. We should have to ascertain, specifically, what is the proper function of lyrical poetry as distinguished from that of other kinds; and what relations, both as to historical development and as to susceptibility of amalgamation, the several kinds bear to each other. The pure lyric would thus present itself to us, as being, in a manner, the germ of all poetry; as being the kind which aims, more directly and exclusively than any other, at the excitement of the purely poetic feeling, the contemplative emotion of the beautiful; while we should perceive how, always in some degree, and in several of its forms with great fulness, this aim of the lyric admits of being combined with either or both of those which are specifically characteristic of the historical poem, or the didactic. We should thus be able to trace to its source the tendency to false thought which always lurks in the lyric,—especially in such mixed forms of it as the Sonnet; and we should also be able to discover why it is, that, although we may still see reason to regret the pedantic numerical restrictions of the sonnet, yet, in all kinds of the lyrical poem, the form, embracing considerations of arrangement, and diction, and melody, is justly held to be of infinitely greater importance than in any other kind of poetry whatever.

We can only point out one aspect of the consideration last suggested. Felicity of diction, most valuable in all kinds of poetry, becomes beyond price in the lyric; and in no other kind of composition is the power of concentrating the expression of imagery so important to the poet. It is not enough that a new and delightful image be conceived: it must be painted by a process, which, in its minuteness as well as elaboration of

touch, resembles the painting of a miniature on ivory. It is for reasons of the same kind, that the skilful variation of an image or thought already familiar, is often, if supported by adequate skill of expression, an effort that rewards the lyrical poet as richly as the presentation of a thought or image entirely new. Mr Glassford has invited attention very earnestly, especially in his notes on Della Casa, to the wonderful effect which is sometimes produced by this skilfully imaginative elaboration of a few simple materials. But for the similarity of subject with a poem already given, we would have quoted in illustration Della Casa's sonnet to Sleep. An example, almost as good in point of diction and arrangement, and superior in force of thought, as well as in elevation of feeling, is the following Sonnet of his, with which we quit this pleasing volume. It is addressed to the poet's friend Marmitta, with whose anticipated fame he modestly contrasts his own supposed obscurity.

'Would that my soul were as alive, and heart
In every point as calm and free from ail,
As the keen pangs of this my body frail
On Adria's pleasant coast abate their smart!
Alas! how quickly this our earthly part,
Wasted by time, from hour to hour shall fail;
And cherish'd names how soon, swept down the vale,
Mine with the crowd, yours noted and apart,
Even as a leaf is driven before the gust,
Shall fall and fade! Oh, human sight! how slow
And dark, still fix'd upon the world and dust,
Not raised to heaven, where fruits immortal grow!
Oh, earthly bird! so ready to adjust
Thy wings for flight, yet still to drop so low!'

ART. V.—1. *Papers relative to the Drawing of Acts of Parliament, and to the means of insuring the Uniformity thereof, in Language, in Form, in Arrangement, and in Matter.* Prepared by ARTHUR SYMONDS. Presented to Parliament, by command of Her Majesty, in 1838.

2. *A Practical Treatise on the Analogy between Legal and General Composition, intended as an Introduction to the Drawing of Legal Instruments, public and private.* By SAMUEL HIGGS GAEL, Esq., of Lincoln's Inn. 8vo. London: 1840.

3. *On Legislative Expression, or the Language of the Written Law.* By GEORGE COODE of the Inner Temple. 8vo. London: 1845.

THIS is a large and important inquiry, and it would be presumptuous to undertake the double duty of examining the existing defects in the structure of our statutes, and setting forth the details of the proper remedy, within the space that we can at present allot to it. In truth, we greatly doubt, whether, were we able to accomplish such a systematic exposition, we should be favoured with the continued attention of our readers. But, in a matter like this, the exposure of flagrant defects, arising not from abortive efforts to create a competent system, but springing up as the natural fruits of utter neglect, is half the victory of improvement gained. Showing, as we shall be able to do, that no uniform system has ever been adopted in this branch of the Public Service—but that it has been left to the uncontrolled management of unknown and irresponsible private persons,—differing in profession, in opinion, and in notions of the proper manner in which their duties ought to be performed—we shall prepare the reader to find, that the work so executed is unscientific, incongruous, and imperfect; and when he follows us through our general remarks, he will probably be more disposed than heretofore to attend to the vast practical importance of the subject, and the necessity of improvements.

There are three different parties to whose intelligence the Legislative Draftsman must address his labours—the Legislator, whose will he expresses; the People, who are to derive from this expression the rule of their conduct; and the Judge, who is to decide, when it becomes a question, whether or not the law has been obeyed. It is not the *intention* of the legislator that constitutes the law, but the words in which he has permitted that intention to be expressed. His views and designs cannot be

matter of enquiry; and if by any accident he has sanctioned a law which the judge interprets in a manner directly the reverse of that in which the legislator understood it, it must be so put in execution; for the public have a vested right in the enforcement of the law as it stands, not as it was intended. The draftsman, therefore, must not be content with announcing his propositions so as to please his own taste; he must so construct them, that, according to what he knows of the method in which judges construe language, they shall receive from the Bench an interpretation corresponding with the desire and intention of the legislature. To accomplish this, it is not sufficient that he expresses his meaning in language sufficiently clear to receive the right interpretation from an impartial critic. He lays his work before a public who are entitled each to interpret it in his own favour; and to found upon any reading that supports his own views, whether it be in conformity with the intention with which the measure was prepared or not. To fortify his meaning against the distortions of ingenious selfishness, is thus the real labour of the draftsman—the cause of all the elaboration and complexity of his composition; the reason why he puts a proviso here, and an exception there; incorporates complex alternatives in the body of his sentences; and employs ten different words for that which, on ordinary occasions, may be expressed in one. He taxes the highest capacity of language as a vehicle of thought; for he desires to make his composition not only intelligible, but incapable of being misinterpreted. A perpetual war with selfish misinterpretation, is the cause of the elaboration and obscurity that pervades all legal composition, whether in Public Laws, or in private Conveyancing. All who have had any concern with the practice of the law, know that there is no such perverse, unfair, prejudiced critic among mankind, as he who is making up his mind to go to law. If words are against him, then the meaning of the writer was certainly in his favour; and how monstrously unjust it is that he should be the victim of bad grammar or unfortunate collocation! If the intention of the writer was decidedly against him, but by the omission of the word 'not,' or otherwise, words are in his favour—will the administrators of British justice dare to deprive him of what has been in distinct terms made his? Lawyers' quibbles are a byword—but what a picture of the selfishness, dishonesty, and perverseness of human nature would be a collection, if such could be made, of the quibbles of clients! Words are at once the weapon and the fortification of lawyers, and the unwieldy diffuseness, the confusion, the clumsy elaborateness of their workmanship, have been caused by the accumulation of

fortifications against the attacks of the designing and selfish. A breach having been made in any particular place, the legal draftsman has no alternative but to raise a new rampart; he is afraid on his own responsibility to remove the fragment of the broken wall, but he erects another; and so from time to time the mass continues to accumulate, new words and expressions, and new forms of clauses being added to those which have been found imperfect. A very skilful lawyer may sometimes take it upon him to remodel defective Forms, but the ordinary practitioner feels such a responsibility too great for him; and he is content to be elaborate and obscure, so he be free from the risk of having recourse to a novelty. Hence the illogical accumulation of loads of words signifying nearly if not quite the same thing; and the use of many integers, to express that which a cumulative term would have represented more fully and completely. The draftsman engaged upon his particular job, which he must execute in the safest manner for his employer, improves on the precedent set before him, by adding a word or two. The next draftsman, employed for the like purpose, after a lapse of time in which the efficacy of these additions has been experienced, adds some others, and so the mass accumulates.

If the clauses of an act are declared by a subsequent act to be in force, the draftsman is not content to refer to them simply as clauses; but by a gradual accumulation it has become the practice to say, 'all the powers, authorities, provisions, regulations, 'directions, fines, penalties, forfeitures, clauses, matters, and 'things whatsoever.' One word might suffice to refer to the levying of a tax, but it must be expressed by such a collection of terms, as 'raising, levying, recovering, collecting, receiving, 'taking, and securing.' It is thus that the logician's example of illogical arrangement—books divided into quartos, folios, octavos—history, novels, and dictionaries—is exhibited in our legislation. In the first instance the generic term 'books' is used. Then some persons, anxious that there should be no doubt that folios are especially included, adds that word; the next draftsman, feeling that the enumeration is very far from being exhaustive, adds another term; and thus what ought to be accomplished by logical aggregation, is attempted to be performed by individual enumeration.

In a Despotism, where the declaration of the law and its enforcement proceed from the same source, the citizen will not look to the absolute terms of the law, but to the intention and will of the lawgiver. Brevity and simplicity may be the characteristic of such laws, without a severe tax on the thought of the drafts-

man; for every one, instead of making a peculiar reading, and claiming a vested interest in it, will be anxious to discover and abide by that intention of the legislature, according to which he knows that his conduct will be interpreted. Whoever would understand how much more simple it would be to legislate for a public, anxious merely to understand the lawgiver's meaning, than for a set of people each struggling to get his own view of it adopted, may compare the bill of fares at a railway station with a tariff act. 'Table of fares' announces to the willing mind as much as several sections of a statute are required to put beyond the cavils of an impugner. 'First class,'—'second class,'—'third class,'—need no elaborate interpretation of their meaning. 'Passengers' luggage must be at the *terminus* ten minutes before starting,' is easily understood; for it is the passengers' interest to comprehend it, not to discover and support any peculiar interpretation of it. Even where there are acts of Parliament fortified by the usual accumulation of phrases, it is sometimes found expedient to provide—of that which has been made long and elaborate to obviate sinister perversion of its meaning—a short abridgement, for the aid of those who honestly seek to know the intention of the framer. Thus, at a Turnpike gate, we see a board announcing a series of rules, and a table of tolls. It contains all that it would have been necessary to give in place of many pages of the turnpike act, had those who read it done so only for information; but the very persons who read and obey these abbreviated rules and tabular rates, would not consent to be bound by a law so briefly set forth; but, acquiring their knowledge in the abbreviated form, are only prevented from disputing the meaning of that which is simple and intelligible, because they know that it is fortified by the elaborate and well weighed clauses of an act of Parliament; which they have never seen, and which they would be utterly unable to comprehend if it were before them.

The circumstance that the delicate and difficult duty of drawing acts of Parliament was left to the unregulated practice of individuals, early attracted the attention of the Sages of the Law. Sir Edward Coke laments that the quantity of unscientific irregular draftsmanship, for which both private documents and the public laws were in his day conspicuous, gave birth to much litigation.

'The greatest questions,' says he, 'arise, not upon any of the rules of the common law, but upon conveyances and instruments made by men unlearned, many times made upon wills intricately, absurdly, and repugnantly set down by parsons, scriveners, and such other

imperiti; and oftentimes upon acts of Parliament overladen with premises and additions, and many times on a sudden penned and corrected by men of none or very little judgment in law.

'If men would take sound advice and counsel in making of their conveyances, assurances, instruments, and wills; and counsellors would take pains to be rightly and truly informed of the true state of their clients' case, so as their advice and counsel might be apt and agreeable to their clients' estate; and if acts of Parliament were after the old fashion penned, and by such as perfectly knew what the common law was, before the making of any act of Parliament concerning that matter; as also how far forth former statutes had provided remedy for former mischiefs and defects discovered by experience, therefore should very few questions in law arise; and the learned should not so often and so much perplex their heads to make atonement and peace by construction of law between insensible and disagreeing words, sentences and provisoes, as they now do.' *

It may be inferred from this passage, that the great oracle of the Common Law would have desired to see the statutes drawn and revised by the Judges, according to old practice; but though we are anxious to see legal skill and uniformity of system applied to the manufacture of our laws, we do not think that those who are afterwards to have the duty of interpreting them, should also be trusted with the task of drawing them. The Judge who gives decisions on the meaning of a law framed by himself, may be the person to know best what he intended to set forth; but he is for that very reason ill qualified to decide whether the words he has chosen have really given expression to what he meant, and must so be understood by every person who considerately weighs them. *He* will decide according to his intention; but his *Successor* will decide according to the meaning of his words. For the same reason, Solicitors know that the most unsafe person of whom to take an opinion on the application of a statute, is the Counsel who framed it. It would appear, indeed, that those who are most acute in their judicial capacity, in weighing the value of subtle criticisms on acts, are not the best constructors of intelligible clauses. Perhaps their own ingenuity in discovering latent objections, makes them too diffident of clear, broad, simple phraseology; and anxious to surround it with explanatory and exceptional expressions suited to meet their own doubts. Lord Eldon, who boasted of being able to drive a coach and six through other men's statutes, was, it appears, himself a singularly confused draftsman.

'He one day,' says Sir Samuel Romilly, 'sent for me into his room at Lincoln's Inn Hall, and showed me two clauses which he had drawn,

* Second part of Coke's Reports.—Address 'To the Reader.'

and which he proposed to add to the bill, and asked me what I thought of them. They were so obscure, that after reading them repeatedly, I found myself very reluctantly obliged to ask him what the object of them was. He explained to me, that they were intended to enable the heir of a trader who should die, seized of a real estate more than sufficient to pay his debts, to sell part of the estate, leaving the rest to answer the demands of creditors. Without this explanation, I certainly never should have collected, from the words of the proposed clauses, that that was their object.' *

In the passage cited above from Sir Edward Coke, his allusion was probably not directed to the revisal of Parliamentary Bills during their progress by persons of skill; but to the ancient practice by which the judges framed the statutes out of the proceedings of Parliament. It is to the curious constitutional movement, by which a change was effected in this system, that we must attribute the circumstance of the structure of the laws passed by Parliament having been neglected; while the internal forms of the legislative assemblies by which they are discussed and sanctioned, have been carefully refined to the utmost pitch of philosophical and practical precision. It has long been an essential principle in these forms, that nothing can make its appearance as the determination, sense, or will of Parliament, unless it has been put in writing before the discussion has begun; so that it shall be in the power of each member to know, not only the general purport, but the very words of that which he is adopting or rejecting. There was thus nothing left for any recording officer, but the statement of the vote as in the affirmative or negative; and no reliance was placed on the honesty or discretion of any official person as the organ of the proceedings of the legislative body. The practice of voting on amendments *seriatim*, and finally adopting or rejecting, by a distinct vote, the proposition in reference to which they have been proposed, is an essential part of this beautiful system; and, simple as it may appear, is one of the most exquisite designs of high logical art, for unravelling the various threads of a complex series of contending proposals,—discussing each one separately from the others, and giving each the benefit of a distinct debate on its merits, if that be demanded by its opponents, and a deliberate vote of the House. This system, like many others that unite simplicity with high art, was the growth of ages. Hatsell tells us, that 'It was 'the ancient practice for the Speaker to collect the sense of the 'House from the debate, and from thence to form a question on

* Romilly's *Life*, vol. ii. p. 23.

'which to take the opinion of the House; but this has long 'been discontinued, and at present the usual and almost uni- 'versal method is, for the member who moves a question to put 'it into writing and deliver it to the Speaker, who, when it has 'been seconded, proposes it to the House, and then the House 'are said to be in possession of the question.' *

We find from the same authority, that so early as 10th April 1571, it was laid down by the Speaker, 'That from henceforth 'men making motions shall bring them in writing.' As an instance, however, of the power which the Speaker, or a Chairman of a Committee, might have at a much later period in giving a direction to the proceedings, Clarendon tells us that

'They called in the morning for the Bill for the extirpation of Episcopacy, and gave it a second reading; and resolved, "that it should be committed to a committee of the whole House, and that it should be proceeded upon next morning." It was a very long debate the next morning after the Speaker had left the chair, who should be in the chair for the committee. They who wished well to the Bill having resolved "to put Mr Hyde into the chair, that he might not give them trouble by frequent speaking, and so too much obstruct the expediting of the Bill." They who were against the Bill, pressed and called loud to Mr Crew to be in the chair; but in conclusion Mr Hyde was commanded to the chair, they who were enemies to the Bill being divided in opinion, many believing, that he would obstruct the Bill more in that place than if he remained at liberty, and they found it to be true.' †

In the next page we are told that 'they were forced to dis- 'continue their beloved Bill, and let it rest; Sir Arthur Haselrig 'declaring that he would never hereafter put an enemy in the 'chair; nor had they ever after the courage to resume consider- 'ation of the Bill, even after the war was entered into.'

In the reigns of the earlier English Monarchs, any statute of a session was framed by the judges out of the petitions of Parliament, and the relative consents of the Monarchs. This system naturally gave rise not only to much doubt whether the true meaning of the legislature had been incorporated in their recorded act; but from the frequent remonstrances of parliament anterior to the reign of Henry IV., it appears to have given room for intentional tampering and vitiation,—the Monarch sometimes altering the terms of the petition before he granted it, and the judges occasionally taking liberties with the materials from which it was their duty to compose the laws. Down to the time of Henry V., 'it was usual,' says Mr Ruffhead, 'upon entering

* Hatsell's *Precedents*, ii. 112. † Vol. i. p. 275.

'the Bill upon the statute roll, to make additions, diminutions, 'and alterations, whereby the act was made to vary materially 'from the substance of the commons' petitions, and sometimes 'framed directly contrary to their sense and meaning. Several 'instances of this kind occur on the rolls; but it will be sufficient 'to mention one, which is extremely remarkable, viz. the 36 Ed. 'III. Stat. 1 c. 15, providing, that all pleas shall be pleaded in 'the *English* tongue, which is the purport of that petition on the 'parliament roll; but on the statute roll we find these words 'added, *and that they be entered and enrolled in Latin, &c.*, which 'words are not in the parliament roll.'*

The history of that silent and important revolution by which parliament provided for the integrity and genuineness of its legislative proceedings, is thus told by Sir Matthew Hale:— 'But because sometimes difficulties and troubles arose, by this 'extracting out of the petition and answer, about the latter end 'of Henry VI. and beginning of Edward IV., they took a 'course to reduce them, even in the first instance, into the full 'and complete form—*Item quædam petitio exhibita fuit in hoc 'Parliamento, formam actus in se continens, &c.;* and abating 'that style, the method continues much the same; namely, that 'the entire act is drawn up in form, and so comes to the King 'for his assent.' †

In Scotland, to the last, the legislation of a session of Parliament appears to have been digested by the Clerk-Register, from the materials furnished by the reports of the Lords of the Articles, and the proceedings of the House in relation to them; and the consequence is thus exhibited in an incident related by Sir George Mackenzie:—'The Earl of Middleton, after the Parliament was adjourned, returned to court, taking along with him 'the Register and Acts of Parliament made in the last session; 'which favour the Register, who then governed all, earnestly 'desired, *upon design to be rewarded for his pains in drawing 'the acts so advantageously for his Majesty's interest.*' ‡ By this anecdote, we may measure the importance to the integrity of our law, and to the constitutional power of Parliament, of the change in the English practice described by Sir Matthew Hale.

When to this expedient was added the routine of the three readings, and the method of discussion in committee, the

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* Preface to the Statutes at Large. † *History of the Common Law*, p. 14.
‡ *Memoirs of the Affairs of Scotland*, p. 92.

arrangements for making it clear that a measure had received the full assent of the legislature, were brought to perfection. The principle of the measure, in the first place, received their assent, and it was laid before them in the words in which it would stand as their act. As, however, the whole of the details might not receive that approval which was awarded to the general purport of the bill, an opportunity was given for these being altered as the majority of the House might suggest; but in such a form that the discussion should not interfere with the decision, on the final adoption or rejection of the measure. Its clauses having been to this end considered in committee, the amended draft was again presented to the whole body, sitting in its legislative capacity,—on the simple question, whether the whole should be adopted or the whole rejected.

A complete severance was thus made between the forms of parliamentary procedure, and the laws which they were the means of embodying and promulgating. The former system, disencumbered of the structure of the laws, came speedily to perfection. Its progress was the object of the care and ingenuity of the guardians of the constitution; who, on the other hand, had no further concern with the mere structure of the laws, than the simple process of stamping them with the official mark of acceptance. Thus dropped out of the charge of the legislature, which so carefully and scientifically transacted its own peculiar business, the substance of the bills which were to be proposed as laws, was left to be framed according to chance or choice,—one being prepared by a Member of Parliament, another by a Lawyer employed for the purpose, another by some economical projector, and another by the member of some official department. No general rule was ever adopted or set forth; and the only element of uniformity was a desire in each draftsman not to perpetrate any thing very different from the work of his predecessors—a custom which, if it prevented some extravagances and diversities, also perpetuated every defect that had ever obtained currency. Thus, since the Union with Scotland, to very near the present day, there has been no perceptible improvement of the statutes; and the few amendments which have been lately introduced, only show how wide a field there is for beneficial alteration. With the exception of these partial experiments, all the reforms which a hundred and forty years have developed, consist in some facilities for reference; of which the Queen's printer has, we presume, a considerable portion of the merit. If we examine an official printed volume of the statutes in Queen Anne's reign, we find that the several chapters or acts of the statute of any session are not numbered, and that none of them are numerically partitioned

into sections. In the eye of the law indeed, though in the printed copy they are now provided with a numerical division and subdivision, no abbreviated indicative signs are acknowledged; and, as we shall hereafter see, the references to and fro, throughout the statute-book, are made in the clumsiest and vaguest manner.

In 1793 a slight improvement was made in the statute law, by appending to the title of each act the day of its having received the royal assent; and thus making it bear *ex facie* the date from which its operation as a law commenced. This is one of the very few improvements made by the legislature itself. It was formerly said, that an act of Parliament, if it did not specially explain the period of its commencement, should be held to have been in force from the beginning of the session. It is almost needless to observe, that the practice of such a *fictio juris* was productive of great injustice; and accordingly the 33 Geo. III. c. 13, enacted, that the Clerk of Parliament should indorse on each act the day of its receiving the royal assent—which, in the absence of any other distinct provision, should be held as the day when its operation commenced. Another amendment introduced by statutory authority may be mentioned;—the provision that all acts which mention England shall include Wales and Berwick-on-Tweed.* But this very amendment is indicative of a general want of system; for the title of the act relating merely to house and window duties contains no indication of its possessing such a clause, and, at the present day, bills are drawn in ignorance of this provision.

Down to the year 1798, all the public statutes passed in a session were mixed up together, and, in the printed editions numbered continually in consecutive chapters, without any separation of the public and general from the local and personal acts. These are now separated, and distinctly enumerated; and the vast extent of legislation for purposes of local administration and the organization of joint-stock companies, has made the annual increase of the second department equal to about four times that of the first.

The use of Schedules became a fixed practice about the year 1794; though Mr Gael shows it to have been known and exemplified so early as the 4th of Henry VII. It has been of great service, in throwing the forms of judicial proceedings, and numerical tables, out of the framework of the statute, and removing at least one element of prolixity and confusion. It is difficult to imagine how the complex financial measures of

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* 20 Geo. II. c. 42, § 3.

modern times could have been put into legislative shape, without the aid of this ingenious and most simple machinery.

In scarcely any other respect has the form of the general legislation of the country been improved since the Revolution; while it has probably become more prolix and obscure in the structure of its sentences; because from generation to generation no one has dared to abridge, and whatever redundancy has from time to time got admission by the practice of draftsmen, has been religiously preserved by their successors. How clearly, briefly, and to the point, the legislature sometimes spoke in the days of William III., the following passage, taken from an act for regulating the tobacco duties, may be adduced as an instance—

'For the more easy and better collection of the said duties for the future, be it enacted by the authority aforesaid, that the security to be given for the said duties on tobacco, be by bond to be given by the importer thereof, with one or more sufficient sureties for payment of the duty at the end of eighteen months from the importation, and that there be a discount of ten per centum for prompt payment of the said impost duty, if the same shall be paid within three months from the date of the entry, and of eight per centum at any time afterwards within six months of the same, of six per centum if within nine months, of four per centum if within twelve months, of two per centum if within fifteen months; but after fifteen months expired, there shall be no discount at all. That on any payment of the said duty for tobacco to be consumed here, there be an allowance for the future of eight pounds per centum for the merchants' encouragement, in consideration of waste and shrinkage in the cellars. That the security given by the importers for eighteen months, be discharged by debentures referring to the particular entries or exportations, at any time within twelve months from the importation and not after that time.'*

Those who are conversant with the legislation of the eighteenth and nineteenth centuries, seldom find it so aptly illustrating the Horatian maxim—

'Quicquid precipies, esto brevis, ut cito dicta
Percipiant animi dociles, teneantque fideles.'

The Statute Law is partly addressed to Official persons, whose special duty it is to make themselves acquainted with the terms of the laws under which they act, and partly to the Public at large. If a department were chosen for the display of complexity, it would naturally fall to the lot of the former portion,—for various reasons, the chief of which is, that an acquaintance with the acts is part of the business of these official persons. But it

* 7 and 8 W. III. c. 10,

unfortunately happens that this is exactly the part of our legislation in which the phraseology is most brief and distinct, because the acts are drawn by people conversant with the familiar nomenclature of their department; and instead of employing a mass of words in description, they use those abbreviated terms to which custom has given distinct and well-known interpretations, in the conventional language of their craft. Thus, in the act for the management of the Excise, the officer of excise, 'in whose survey' a licensed trader is, is to receive his 'entry' and copy it into 'the general entry book.' But it is in the statutes for the alteration of the practice of the law, that this abbreviated phraseology is seen to most advantage; because the lawyer who revises a bill before it finds its way into either of the Houses, will often object to the abbreviated technicalities of other professions, and insist that they shall be described in words at length; but has no hesitation in using the nomenclature of his own, and indeed thinks that it is a peculiar and appropriate ornament of an act of Parliament. The act for abolishing 'fines 'and recoveries' has been greatly admired by the profession; but without derogating from its merits, there can be no doubt that much of its clearness and adaptation to its intended purposes has arisen from the draftsman having been able to express his intentions in technical words; conveying a precise and full meaning to his own mind, as well as to those who have to put in practice and to interpret the act.

As instances of the more diffuse species of draftmanship we might adduce the two Factor's acts.* They should have been peculiarly clear and concise, because they regulate those classes of mercantile transactions, which, in the accepted phraseology of men of business, are so succinctly and so emphatically described. Yet they exhibit the most cumbrous form of legal draftsmanship; because the person who drew them being probably a lawyer, would trust nothing to the descriptive power of mercantile technicalities, but must have every thing described at full length. Thus where a merchant would say—'When goods are 'taken in deposit or pledge from an agent by his creditor, as a 'security for the debt, he shall acquire no further right over 'them than the agent himself possessed'—the corresponding part of the act occupies about an ordinary octavo page, commencing with the usual *verbiage*—'Provided always, and be it 'further enacted, that in case any person or persons, body or 'bodies, politic or corporate, shall, after the passing of this act, 'accept, or take any such goods, wares, or merchandise,' &c. &c.

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* 6 Geo. IV. c. 94; 5 and 6 Vict. c. 39.

During the last session of Parliament, an act was passed for enabling canal and navigation companies to vary their charges in different parts of their line of navigation.* It was provided by one section of this act, that when a line of navigation is connected with other lines, and the charges on the one have reference to those on the others, the managers of one part are not to alter their charges according to the powers given by the act, without the consent of the managers of the whole system of connected lines. It would be easy, one would think, by the aid of systematic arrangements, to make such a clause at once brief, clear, and legally effective; but as it appears on the statute book, we dare not incorporate it with the body of our remarks, lest the reader, sticking hopelessly in its meshes, should resolve to go no further; and we present it to the curious and adventurous, in a note.† Such is a clause intended to be discussed and acted on

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* 8 and 9 Vict. c. 28.

† Provided also, that where by any canal or navigation act or acts now passed, the tolls, rates, or duties (whether tolls per mile or tolls in gross) upon any description of goods, animals, articles, or things, or upon any boats, barges, or other vessels which shall be navigated, carried, or conveyed along any canal or navigation, or any portion thereof, and which shall pass into, out of, or along any such canal or navigation, or any portion thereof, from, into, or along any other canal or navigation, canals or navigations, adjoining or communicating therewith, or any portion thereof, or from or to the junction or junctions with any such adjoining or communicating canal or navigation, canals or navigations, are or shall be specially fixed, determined, or limited, either absolutely, or with reference to the tolls, rates, or duties to be levied or received from time to time on goods, animals, articles, or things, boats, barges, or other vessels passing into, out of, or along such canal or navigation, or any portion or portions thereof respectively, from, into, or along any other adjoining or communicating canal or navigation, canals or navigations, or from or to the junction or junctions with such other adjoining or communicating canal or navigation, canals or navigations; or where in any such act or acts any special enactment or provision shall have been inserted for securing a rateable reduction or advance of the respective tolls, rates, or duties to be levied or received from time to time on goods, animals, articles, or things, boats, barges, or other vessels, or on goods, animals, articles, or things, of the same description, passing over, along, into, or from any canal or navigation, or several and distinct portions of any canal or navigation, into or along two or more adjoining or communicating canals or navigations, or from or to the respective junctions of two or more adjoining or communicating canals or navigations, no alteration or variation of the tolls, rates, and duties so specially fixed, determined, or limited, or any

at boards of trustees; or to be the object of negotiation at general meetings of rival or inimical joint-stock companies! Among the acts in which technical legal expressions are made use of, there are certainly many which are in daily use among merchants, manufacturers, farmers, and other 'laymen;' and have to be interpreted twenty times by unprofessional persons, for once that they fall under the practical criticism of a lawyer. Yet so useful is it to have terms with an assigned meaning attached to them, that we are inclined to think such statutes are not so unintelligible as those which attempt to create a description by a multitude of words. Thus, by the Bankrupt Statute, an act of bankruptcy is performed by certain persons in trade.—'If any 'such trader shall depart this realm, or, being out of this realm, 'shall remain abroad, or depart from his dwelling-house, or 'otherwise absent himself, or begin to keep his house, or suffer 'himself to be arrested for any debt not due.' * The apparently almost contradictory actions of 'departing from his dwelling-house,' and 'beginning to keep his house,' are not very self explanatory; but their meaning has been fixed in English law by a long series of decisions, the whole law of which is incorporated in the statute by these simple words. Forms more explanatory might have been used, but they might have aimed at clearness without achieving it; and, destroying the whole force of an elaborate array of hard-wrought precedents, have left all the work to be repeated. Legal expressions, the meaning of which has been established by a train of decisions, have in this respect a privilege with which no other words in the language can cope. They labour, it is true, under this disadvantage, of not being so

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or either of them, other than such alterations or variations as are respectively authorized to be made under the several acts for regulating such canals or navigations, shall be made under the authority of this act without the previous consent in writing of the proprietors, trustees, undertakers, or commissioners of the canal or navigation, or of all the several canals or navigations, who are expressly mentioned in such special enactments or provisions, or of the committee, directors, or managers of the company, trustees, undertakers, or commissioners, or respective companies, trustees, undertakers, or commissioners of such canal or navigation, canals or navigations, which consents such companies, trustees, undertakers, and commissioners, or their respective committees, directors, or managers, are hereby authorized to give, either under their common seals respectively, or under the hand of their respective clerks or secretaries, although any such companies, trustees, or undertakers so consenting may not have adopted the other powers of this act.

* 6 Geo. IV. c. 16, § 2.

accurately known to the public at large as to lawyers. Yet it may be questioned if any new phraseology would so well explain the meaning which even merchants, from daily practice and tradition, attach to the expression 'shall keep his house.'

Of all our statutes, those which are for the enforcement of Taxes ought to be expressed with the greatest clearness and simplicity. Individuals cannot meet the Crown, as they can do each other, in fair battle in the courts of law. There is no department of the law in which the subject is more jealous of his rights—more suspicious—more prompt to be excited by the smallest symptom of injustice—and more resolute, before yielding a willing obedience, to know how, and by whose authority, he is charged. There are two ways of meeting this enquiring spirit. An arbitrary, strong, and unreasonable legislature, if unable altogether to conceal its ordinnances, will shroud them in such an impenetrable mystery of complex arrangements, that the appalled investigator will shrink back from the threshold of the subject; and a power virtually arbitrary will be put into the hands of official persons, whose spontaneous explanations must satisfy the public: A fair, generous, and manly government will make the whole system as simple and clear as possible, trusting its execution to the people's acquaintance with the law, not to their ignorance of it. Our own fiscal regulations too often exhibit the former character. The Income-Tax act is a marked instance of this class of legislation. If we suppose a widow with an income under £150 a-year, endeavouring to find out whether, and in what manner she is to get back the tax deducted from the several dividends of joint-stock companies, in which her means are invested, and picture her attempting to solve the enigmas of this code, divided into one hundred and ninety-three long sections—any one of which requires a thoroughly trained lawyer's intellect to comprehend it—we have a type of the complete dependence in which such legislation places the people, on the conduct of officials. It follows the model of the old property and income-tax acts of Pitt's day; which there can be little doubt were drawn with a wicked skill, to be comprehensible only by a high standard of accomplishment in fiscal statute lore. Every available form of repetition is adopted for no other purpose that can be divined but the accumulation of verbiage; as an analysis of any of these bundles of words would directly show. Thus, in section three, we have some previous acts referred to, and 'all the powers, authorities, methods, rules, 'directions, penalties, clauses, matters, and things contained in 'them.' Then, immediately afterwards, in the same section,

there is an intention to repeat all these words, but the word 'methods' is dropped out, and the word 'regulations' substituted for it. If there were a sufficient number of words, it does not seem to have mattered much what they were.

But it is not alone in the substantive clauses of this act itself, that its practice is fortified by a rampart of obscurity. It not only incorporates by references the powers of the assessed tax acts, but, reciting the titles of the property-tax acts of 1809 and 1810, it declares that they 'shall, severally and respectively, be 'and become in full force and effect, with respect to the duties 'hereby granted, and shall be severally and respectively duly 'observed, applied, practised, and put in execution.' Thus a whole mass of expired forgotten law, with all its indigenous train of doubts and obscurities, is by a single sentence amalgamated with the native difficulties of the income-tax. It will be strange indeed, if in all this 'mighty maze, but not without *a plan*,' in one sense of the term, the well-trained official cannot find something to justify any act he may perform: it will be equally strange if any of the public at large should ever make themselves learned enough to pronounce whether he is acting according to law or not.

The punctuation of our statutes goes for nothing in law: 'law composition,' says Mr Gael, 'is written in the continued style, 'which is the most ancient of all styles. In one form there is 'no stop or break until the end. An act of parliament has no 'period but the last, and a deed of conveyance none from the 'commencement until the covenants.' It is in such long and complex sentences as those of which our statutes consist, that punctuation is most needed, yet here it is not available. The rule so neatly expressed by Sir William Grant, 'It is from the 'words and from the context, not from the punctuation, that the 'sense must be collected,' is probably a sound one. To allow rights and obligations, the definition of offences and the nature of punishments, to depend on the locality of such minute, fugitive, and destructible items as commas and semicolons, might be dangerous; but the difficulty of applying to these sentences the ordinary aids of literary composition, is another reason for making them in their verbal structure short, clear, and simple. Our statutes are indeed utterly unintelligible without a powerful machinery of punctuation. In passing through the press, the acts are all abundantly punctuated by some irresponsible persons, and very often in such a manner as utterly to pervert their meaning. We could adduce many instances, but our readers will probably be satisfied with one, as a type of the whole. A clause of the 3 and 4 Vict. c. 18 § 3, for the regulation of the tobacco duties, is printed

thus. 'It shall be lawful for any officer of excise at any time, 'but between the hours of ten of the clock in the evening and six 'of the clock of the morning only, with the assistance of a con-'stable or other peace-officer to enter into any workhouse, store-'house,' &c. The meaning would appear to be, that the officer of excise can only enter the premises during the night, or between ten o'clock in the evening and six o'clock in the morning. The real meaning of the act is, that at night the excise officer's visit must not be made without the attendance of a peace-officer; and the perversion of meaning is produced by the comma being placed after instead of before the word *only*.

The interpretation clause, the adoption of which is every session becoming more frequent, shows how simple and obvious an arrangement may be of use, in promoting uniformity and distinctness in the letter of the law. To appreciate its efficacy we need only compare such acts as that for the regulation of persons employed in print works,* where the clause is carefully prepared to meet the legitimate purpose of making the act intelligible, and those instances, such as the Income-Tax act, where it either does not occur at all, or is so meagre as to be quite useless.

Without aids from other arrangements, however, the simple principle of the interpretation clause may be carried too far. A hint of its legitimate province may perhaps be taken, from observing the character of the superfluous matter discharged, when statutes are abridged for the use of those who desire to know their purport, in the sincere spirit of willing obedience. An abridgement hung up in a conspicuous place, for the guidance of the public, would mislead instead of instructing, if it omitted any of the persons to whom it applies, or the acts which it prohibits. The interpretation clause should never absorb any thing that is necessary to make the other clauses generally intelligible, in their full import, to the persons bound by the Act, but should stand in reserve to check them when they endeavour to raise quibbles out of the simplicity and meagreness of the enacting clauses. Thus in a bill of the present Session 'to amend the laws re-'lating to the highways,' it is well provided that 'the word "sur-'veyor" shall include every sub-surveyor, or deputy or assistant 'surveyor, appointed under this Act;' but it may be questioned if another abbreviation, by which the 'word "owner" shall include 'occupier,' may not sometimes cause misunderstanding. Mr Coode mentions a circumstance, which shows that the illegiti-

* 8 and 9 Vict. c 29.

mate use of the interpretation clause is not always the effect of accident or indolence. 'All persons conversant with the pro-'gress of bills through Parliament, must be very conscious 'of the opportunity which these interpretation clauses afford 'for concealing important and extensive effects, under what 'appears to be an innocent definition of some unsuspected 'word. Nothing being more common, when a provision 'is wanted which cannot be openly proposed, than the en-'quiry whether it cannot be disguised in a constructive clause.' (61.)

No systematic method has ever been adopted, for facilitating reference to the statutes and their clauses by indices, or analyses. The rubrics are the chance growth of the practice of individuals, and own no regulating system. In some instances, they have, of late years, been made in the form of a careful analysis of the several sections; and have been printed at the commencement of the bill, where they perform a like service to the abbreviates of local bills. There is a very creditable specimen of this species of work in the bill of the present session, 'to consolidate and 'amend the laws relating to the removal of the poor.' But in the general case, whoever trusts to the rubrics, as indicating the contents of the sections, may find himself leaning on a broken reed; as they are drawn up according to some conventional arrangement, with which the contents of the section have no concern; and we could adduce instances where the same rubric has been appended to totally distinct clauses.* Some of these appendages are rather ludicrous. Thus in the act appointing sanatory regulations to be enforced during the prevalence of cholera, the margin states—'Lord President of the Council, '&c., empowered to issue orders at any time to prevent the 'spreading of cholera in England.'

The established method of referring from one act to another, is eminently cumbrous and unsatisfactory. In some instances the title of an act is repeated in another, and the title of that other including it, is repeated in a third, and the title of that third with its inclosures, in a fourth, like the house that Jack built. That any reader, who is partial to such a mode of composition, may have an opportunity of indulging his taste, we append a specimen in a note.†

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* *e.g.* 8 and 9 Vict. c. 16, § 131, and c. 17, § 134—in the Queen's Printers' edition.

† In the act Geo. IV. c. 105, reference is made to part of a preceding act in this manner—'So much—of an act passed in the twenty-third

In a law book, the object of so much elaborate description would be clearly and satisfactorily expressed, and the passage intended to be referred to would be much more distinctly individualized by the expression 23 Geo. III. c. 11. § 3; but that obtuse orb, 'the eye of the law,' is acquainted with no such abbreviated method;—it attaches no meaning to these signs, and applies to them the adage, *de non apparentibus et non existentibus eadem est ratio.* Thus an indictment no further varying from usual form, than by charging an offence as against an act passed in the second 'and third' of William IV. was held bad.*

The accumulation of a number of matters of legislation in one statute, is a cause of confusion which our later acts have generally avoided; but the existence of these multifariously directed statutes creates complexity and uncertainty, when any thing contained in them is referred to in modern acts, and they ought to be suppressed by a process of consolidation. As an instance of the varied and heterogenous nature of some of these acts, and as a curiosity in itself, we present our readers with the following title of the 23d Geo. II. c. 26.

'An act to continue several laws for the better regulating of pilots for the conducting of ships and vessels from Dover, Deal, and the isle of Thanet, up the rivers of Thames and Medway; and for permitting rum or spirits of the British sugar plantations to be landed before the duties of excise are paid thereon; and to continue and amend an act for preventing frauds in the admeasurement of coals within the city and liberty of Westminster, and several parishes near thereunto; and to continue several laws for preventing exactions of occupiers of locks and wears upon the river Thames westward; and for ascertaining the rate of water carriage upon the said river; and for the better regulation and government of seamen in the merchant service; and also to amend so much of an act made in the first year of the reign of King George the First, as relates to the better preservation of salmon in the river Ribble; and to regulate fees in trials at assizes and *nisi prius*, upon records issuing out of the office of pleas of the Court of Exchequer; and for the

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year of the reign of King George the Third, intituled *An act to amend an act made in the twenty-fourth year of the reign of King George the Second, intituled "an act for the more effectual securing the duties upon tobacco: to prohibit the importation of currants into* Great Britain *in small packages: to repeal such part of the proviso of an act of the eighteenth year of the reign of his present majesty, as permits* Portugal *and* Spanish *wines, and other wines (except* French *wines) to be imported in small casks for private use; and for taking off the inland duty payable upon the importation of cocoa-nuts into this kingdom, upon the exportation thereof as merchandise,"* —as relates to the importation of currants in hogsheads or casks.'

* Rex v. Biers, 3 Nev. and Man. 475.

apprehending of persons in any county or place upon warrants granted by justices of the peace in any other county or place; and to repeal so much of an act made in the twelfth year of the reign of King Charles the Second, as relates to the time during which the office of excise is to be kept open each day, and to appoint for how long a time the same shall be kept open upon each day for the future; and to prevent the stealing or destroying of turnips; and to amend an act made in the second year of his present majesty, for better regulation of attorneys and solicitors.'

The practice of repealing a whole process of acts relating to a particular matter, and substituting a consolidated statute in their place, is of incalculable advantage; and has already been carried so far with such beneficial effect as to infer a reproach to our government for not having proceeded further in this good direction. In some instances this practice has been adopted wherever any measure embodying a considerable alteration of a single previous act has been introduced. Thus, in a bill of the present session, to improve the arrangements for receiving deposits for local acts, instead of the previous act being amended, the system is re-constructed, with the preamble, ' Whereas it is expe- ' dient that the provisions of the said act should be repealed, and ' should be re-enacted, with such modifications, extensions, and ' alterations as are herein mentioned.' Even in such a modified case, relieving the person who uses the act of the necessity of comparing two sets of clauses with each other, saves him much trouble and many perplexities, and the consolidation will generally be as easy to the draftsman as mere amendment. Its only defect is in adding so much useless paper to the statute book--an unavoidable evil. If the old structure must be left in existence, it is better that it should remain merely to cumber the ground, and that a substantial new mansion should be built near it, than that it should be converted to modern use by elaborate and unsymmetrical additions. It is, however, in those departments of the statute law where there are long lists of acts all connected together, each explaining, amending, or altering its predecessors, that the consolidation system is most conspicuously useful. In this shape it has made considerable progress in some departments of the Revenue law; and in the customs' acts we possess a really noble specimen of a revenue code, prepared, we believe, by the untiring labour and skill of the late Mr Deacon Hume. In the year 1825, a series of statutes was passed for accomplishing this end, consisting of eleven acts, including the regulations for the warehousing of goods, the prevention of smuggling, the registration and economy of British vessels, &c. One of these acts was devoted to the repeal of all previous laws relating to the matters embraced by the several new acts; and we have at once a pregnant illustration of

the extent and the complexity of the custom-house law anterior to 1825, in the circumstance, that 443 acts are enumerated as either wholly or partially repealed! Had this repealing enactment been prepared in the ordinary form, by which a sentence commencing 'Whereas an act was passed,' &c., enumerates the several acts, and closes with the words 'shall be hereby repealed,' we would have had one sentence about as long as an ordinary octavo volume. We have seen many repealing sentences, which, if printed in the ordinary type of a novel, would fill half a volume. Notwithstanding the vigilance with which these acts were collected together from all parts of the statute-book, some misgivings seem to have been entertained that a few, lurking in obscure corners, might have escaped observation; and by a subsequent statute, 'in order that no doubt should remain whether 'any, or what if any, former act or acts relating in any way to the 'customs continue in force,' there is a general repealing clause.*

Meanwhile additions were made from time to time to this code, and twelve statutes had been added explaining, altering, or repealing certain portions of it, in 1833, when the whole series was again repealed, and a new set of consolidation acts passed. In twelve years fourteen other statutes, some of them of considerable length, embracing important alterations in this department of the revenue laws, had to be construed along with the consolidated acts of 1833; and during the last session the whole series was again swept off the list of existing laws, and their substance was embodied in twelve new consolidation acts.†

The excise laws have, to a certain extent, been consolidated. For many years past, a consolidation of the stamp laws has been among the projects spoken of and partly planned. When the revenue commissioners made their report in 1826, there were one hundred and three stamp acts in force, from the reign of William III. downwards. To this list about thirty others have now been added.

One of the main defects of our statute law is the difficulty, on many occasions, of determining the territorial extent of the application of an act—whether it extends to the whole United Kingdom, or is only applicable to a part, such as Great Britain, or England. It sometimes happens, that an act intended only to apply to England, contains no clause specifically limiting its operation to that part of the Empire; while, in other cases, statutes intended to apply to all parts of the United Kingdom, have no machinery adapted to their enforcement in Scotland or

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* 3 and 4 W. IV. c. 50. † 8 and 9 Vict. c. 64, et seq.

Ireland. It is difficult to get the pure bred English lawyer to remember, that there is any part of the world where his own technical phraseology is not predominant; and that there are parts of the Empire over which her Majesty's Courts of Record at Westminster, and the system they administer, hold no authority. The words 'advocation,' 'reclaiming note,' 'suspension,' and 'condescendence,' are as applicable to practice in England as 'certiorari,' 'writ of error,' and 'imparlance' to that of Scotland; yet in acts of parliament applying to the whole realm, and which must be enforced in Scotland, these are the terms out of which the administrators of the law must divine a method of putting it in force. The act for the regulation of Benefit Building Societies,* contains clauses applicable solely to English conveyancing; such as 'mortgage,' 'equity of redemption,' &c., which have no more meaning in Scotland than 'wadset' or 'adjudication in implement' would have in England. When such inapplicable phraseology is used in relation to the proceedings of courts, no practice can take place upon the act, without its at once being perceived whether the courts of law in Scotland consider themselves bound or entitled to put it in execution; but when the phraseology applies to property or transactions, latent defects may have accumulated to a great extent before they are discovered. We do not know if there is any authority for holding, that this act can be put in force in Scotland; but perhaps at a distant day, when some respectable body of artisans, formed into a Benefit Society, have expended their whole social funds, and a considerable sum besides in the Court of Session and House of Lords, it may be known whether the act is capable of being worked in Scotland or not.

The 'apportionment act' was passed in 1834, and was called 'an act to amend an act of the eleventh year of King 'George II. respecting the apportionment of rents, annuities, 'and other periodical payments.'† This act of the 11th George II. was specially limited to England, excluding Scotland and Ireland. Its object was, in the case of the granter of a temporary right in land terminable by his death, dying between terms, to enable his representatives to recover rent from the tenant proportioned to the period of the broken term. The act of 1834 was passed avowedly to remove some doubts regarding the extent of this provision. So far as it did so, it could of course only extend to the portion of the Empire to which the doubtful provisions applied, viz. England. But a further clause appeared

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* 6 and 7 W. IV. c. 32.

† 4 and 5 W. IV. c. 22.

in the act, not embraced in its title, by which in the case of annuitants, or other persons entitled to receive sums of money at fixed periods, dying between the periods of payment, their executors became entitled to receive a proportion corresponding to the period between the death and the preceding term of payment. As if the person who drew the act had been under the influence of the spirit of wanton mischief, this clause was declared to extend to 'all rents, annuities, pensions, moduses, 'compositions, and all other payments of every description '*in the United Kingdom of Great Britain and Ireland*, made pay-'able or becoming due at fixed periods,' &c. Eight years after this act had passed, some discursive reader of statutes stumbled on this clause; and since it has been brought to light, it appears to have created a wider change in the law of Scotland than many statutes which have been dispersed among the legal bodies, discussed at county meetings, or town-councils, and only passed after they have struggled through several sessions. The Judge before whom the question under the act was raised, according to a form peculiar to the practice of Scotland, Reported the case for the direction of the whole Court; and the shape in which he made his report shows how great a revolution the clause, were it law, created:—'Till the year '1842, no lawyer or man of business practising in any of our 'courts, was aware that any change had been recently made on 'the rights of heir and executor in Scotland. Since 1834, it is 'manifest that landed property in this country, to a very large 'amount, must have passed from ancestor to heir; but in cases of 'intestacy, it has been divided between the two classes of heirs, 'according to the ancient law of Scotland, no one supposing 'that it had been rescinded or disturbed. It is alleged, however, 'in the Summons in the present action, that an act of parliament 'was passed in 1834, whereby the whole legal rights of heir 'and executor in the rents and annual proceeds of every estate 'in Scotland were changed.' The Court, by a narrow majority, found that they could not overlook the direct comprehensive terms of the act, and that it must be held applicable to Scotland. The case is now under appeal. Lord Jeffrey, who concurred in the view of the majority, made the following remarks, which are eminently applicable to the carelessness with which such matters are managed. 'It is right I should 'mention, that, though Lord Advocate at the time, I can-'not say that I was aware of the passing of the act. I see 'from the *Mirror of Parliament*, and otherwise, that it occa-'sioned little discussion; and, having given directions that notice 'of all proposed measures affecting Scotland should be given to

'me, if I had been asked at the time if such an act had been 'passed, I would have said No—no notice having been given to 'the officer, whose duty and right it was to be advised of any 'change proposed to be made in the law of this country.' *

Whatever tends to uniformity between the statute law of England and that of Scotland, is generally a great gain to the latter country; but it is not by overlooking the existence of the northern part of the island in legislation for the southern, that uniformity is attained. Like all good things, it will more naturally arise as the fruit of care, labour, and skill, than of disorder and neglect. In a recent Number of this Journal, we censured the doctrine which has been reduced to practice by the Scottish Criminal Courts, that they can administer a law of their own making, in those cases for which the legislature has not provided. This objectionable feature, which has long distinguished the Scottish practice, both in the civil and criminal courts, is fostered, if it is not in a great measure caused, by the slovenly uncertainty of the statute law. If it become a nice point of criticism, whether a statute applies to Scotland or not, the Judges must act upon general impressions and critical deductions; they have no other guide. It would be impossible to find, in the decisions of the Scottish Courts, any absolute criterion of the applicability of an act to their part of the Empire. In some cases, the use of the phraseology of the English law, and the circumstance that the legislative draftsman seems not to have dreamed of the existence of 'that 'part of great Britain called Scotland,' are conclusive against the extension of the act; but in other instances of similar phraseology, it has been held that the act being as much needed in Scotland as in England, the mischief that would accrue from its not taking effect, and the general understanding of the public that it was a measure national to all Britain, have been reasons for translating the technicalities of the English into the parallel terms of the Scottish law, and acting as if these had been embodied in the statute.

In 1835, an act was passed for punishing cruelty to animals.† Its local application is not limited, but two years later an act was passed to remove any doubts that it applied to Ireland.‡ This created doubts of its application to Scotland, and some magistrates enforce it, while others do not. The extensive ameliorations of the Criminal Code commencing in 1827, apply solely to England. Several of the severe acts, however, which

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* Bridges v. Fordyce; 6 Bell and Murray's Cases, 968.
† 5 & 6 W. IV. c. 59. ‡ 7 W. IV. & 1 Vict. c. 66.

they amend, embrace Scotland, and thus remain unrepealed in their application to that part of the Island. In these cases, the too ample powers for the modification of punishments, divided between the public prosecutor and the court, serve to hide from the public the severity of the written law; and at the same time to palliate and excuse a dangerous license of authority. Within these few past years, several statutes for the mitigation of the Criminal Code have been passed, without any reference to Scotland; and during the present session, a bill was brought in by the Lords, 'intituled an Act for removing some defects in the 'administration of criminal justice,' of which the phraseology is English, but the application unlimited; and which will, if it pass, and ever be noticed in Scotland, be an addition to those masses of the statute law which the Judges may adopt or reject at their pleasure.

But even where Scotland has been particularly kept in view, the legislature has not, in some instances, been more successful in the applicability of its machinery. The act 52 George III. c. 93, imposes certain penalties on persons keeping greyhounds for the purpose of killing game, without having obtained a certificate in terms of the act. Prosecutions for recovery of penalties were appointed to proceed in the first instance before a Justice of Peace or two Commissioners, but a provision was made for an appeal from their decision in the following terms:—'And if 'such person or persons shall find himself or themselves ag- 'grieved by the judgment of such commissioners or justice, then 'he or they shall or may * * * appeal to the justices of 'the peace of the next general quarter session for the county, 'riding, or division, or to the Justice Clerk or other officer of 'the Court of Justiciary of the shire, stewartry, city, liberty, 'or place in Scotland, which courts respectively are hereby 'empowered to examine witnesses upon oath, and finally to hear 'and determine the same.'

Now, independently of the circumstance that a 'liberty' is a civil division unknown in Scotland, the definition of the court of appeal was precisely as clear as if, with reference to England, it had been to the Chief-justice, or any other officer of the court of Queen's Bench of the county, riding, or division. A person convicted before two justices in Lanarkshire, brought an appeal before the circuit court of Justiciary, sitting in Glasgow. The question was discussed before the High Court in Edinburgh, and it was found, though there was a considerable difference of opinion, that the terms of the act did not give that court any jurisdiction in the matter. One of the Judges expressed himself as follows:—

'My own impression is, that 'the intention of the person who drew the statute was, that the appeal should be lodged with the clerk of some court, which was afterwards to try the case; but is there any "Court of Justiciary of the shire, stewartry, liberty, or place?" It was plainly some local jurisdiction that was contemplated. It was thought that there was a court of justiciary in each county, and a clerk in each such court, here called the Justice Clerk, and jurisdiction was intended to be given, either to the clerk or the court, we do not know which. But we know that we are not a *court of a shire*, and therefore there is no jurisdiction given to us.' Another Judge said—'I do not believe that the author of the statute could tell us what he meant; but I am convinced that if he were told that an appellate jurisdiction was conferred not upon a county court, or one in which the appeal could be heard immediately, but that the case must be brought to the high court, sitting in Edinburgh, or delayed for months till the next circuit, he would say that this was not the intention of the act.' *

Such was the manner in which it was necessary for the Judges to speak of the proceedings of the legislature.

It is clear that whatever other reforms in the routine of legislation may be necessary or expedient, there should be a rule against any measure being passed, which has not been perused by some person acquainted with the law and institutions of Scotland. That part of the Empire has lost the advantage of many valuable reforms by the simple circumstance of having been overlooked by the promoters of the measures. Even when it is part of the plan that a bill shall apply exclusively to England, it is often expedient that some pains should be taken, to unravel its machinery from any such entanglement with Scottish practice as may render the limitation abortive or ambiguous. Where rights and obligations are established with an application solely to England, it is necessary to provide that the law of Scotland shall not afford the means of defeating them, and to do so in such a manner as not to extend the operation of the act to Scotland. In 1844 an act was passed for the winding up of insolvent joint-stock companies.† Though there is no territorial limitation—that the act is intended for practice solely in England, is clear from its setting in motion the machinery of the English bankruptcy court alone. But it was necessary to introduce a provision for enforcing the legitimate judicial proceedings of the English Court on persons residing in Scotland. These clauses, and the reference of the operation of the act to companies embodied under the patent companies' act, which undoubtedly extends to Scot-

* Shanks v. Neilson, Swinton's Justiciary Reports, 617.
† 7 and 8 Vict. c. 111.

land, have created great dubiety as to the extent of the operation of this act. Such a measure is much needed in Scotland, where, in the framing of the contracts of copartnership, as well as the local acts of incorporation of joint-stock companies, all the provisions are made for the distribution of profits and benefits; and losses are not contemplated. The English bankruptcy system claims a wider operation than the law of Scotland is disposed to sanction, when the two come into collision in the Scottish Courts; and thus it is to be feared that, unless the legislature interpose, the act in question will have the effect of inducing people to commence proceedings in England, which may afterwards be counteracted in Scotland.

In the later statutes relative to the bankruptcy court, and in the insolvent debtors' acts, clauses were introduced for vesting in the assignees real property in Scotland, by the aid of the Scottish system of real property records. The clauses were only too effective; for it was found, to the horror and alarm of the officials, that the English assignee leaped at once, and without any formalities, into a position which could not, according to the law and practice in Scotland, be attained, without previous preliminaries,—necessary, it was said, for the proper order and utility of the records.* On the other hand, it was found that the old Scottish bankruptcy act had not given the trustee or assignee authority to sue for debts in England, because they were *choses* in action, which could not be carried by assignment. 'I take it 'for granted,' said Lord Ellenborough, 'that the framer of the 'act was aware of the law of England touching the assignment 'of a chose in action.' † That is to say, that he drew the clause in the knowledge of a rule of law which would render it useless.

Whatever arrangements may be made for the mere structure of our statute law, we must never forget, that they can only be subsidiary to the capacity of adapting the substance of the legislation to the objects it is intended to accomplish. To suppose that good legislation will be invariably the result of a good machinery for systematically arranging the words in which it is expressed, would be as fallacious as to suppose, that the syllogistic form will always embody sound reasoning. Notwithstanding the theory of our representative system, and the aggregate discussion and sanction that characterise British legislation, there is no doubt that our great social and administrative reforms are generally the fruits of individual minds; who thus exercise over their fellow-creatures

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* Rattray v. White, 4; Dunlop's Reports, 880.
† Jeffery v. M'Taggart, 6; M. and S. 126.

the beneficent despotism of talent, industry, and integrity. When legislation proceeds on that species of induction from facts, both wide and minute, which characterised the English poor-law measure, he who has painfully collected from individual abuses the general character of past defects, and thence has devised the comprehensive remedy, is generally the person who best knows how that remedy should be embodied in legislation. The immense mass of unused knowledge which fills our parliamentary 'Blue Books,' and of which each portion, after it has had its hour of newspaper notice, sinks into oblivion, must be in a great measure attributed to the circumstance, that the able and industrious men who are employed in these inquiries, stop with inquiry and exposition; and are not entrusted with the additional duty of embodying the remedies in measures fully prepared and digested for the adoption of Parliament. In the Report of the English Poor-Law Inquiry Commission, there is a distinct remedial measure attached to each exposition of the defects of the old system; and these suggestions are printed in capitals, so that the reader can either examine each one in connexion with the particular inquiry to which it is attached, or at a general glance survey the whole, as the outline of a Poor-Law Code. We believe it was intended, that the gentleman whose views most influenced the scope of the inquiry, and the character of the remedies, should have embodied in the Report the full details of a remedial measure; and that many of the defects which were afterwards discovered, were owing to the drawing of the act having, from the rapidity with which it was thought necessary to proceed, been placed in the hands of professional persons, to whom the whole was new; and who could not be so imbued with the spirit that presided in the Report as fully to embody its principles. Such a method of preparing laws need not be at variance with uniformity in their structure. A revisal by any officer whose duty it is to see that the bill conforms in its structure to certain rules, may proceed in complete harmony with the labours of the person who suggests and embodies the measure. In France, there is a pretty complete and systematic arrangement for the preparation and revisal of each *projet de loi* by responsible official persons; and each measure issues complete from its proper office before it comes on for consideration by the legislature.

It is true that complete official superintendence of the details of any measure, is somewhat incompatible with its free treatment by the legislature. However skilfully or systematically it be framed, it is necessary that Parliament should be at perfect freedom to alter its details in Committee. A little management

may be necessary to reconcile the two advantages; but order and system,—the circumstance that each department has its proper place where it may be found,—will render the whole scope of a measure more manageable in the hands of those who are dealing with it; will enable them to see more readily where alterations are needed; and will facilitate the adaptation of amendments to the general scope of the measure. Mr Coode justly says—

'A little attention will convince the reader, that if the essential parts of legal sentences were kept distinct and conspicuous in a bill, the difficulty of criticising a measure while in its progress through parliament must be greatly diminished; that it would be comparatively easy to show the excesses or omissions of each enactment, and to call the promoters of a bill to account; while it must be in the same degree difficult for sophistry to cast a doubt about the elements of a measure, all of which were exposed so simply and conspicuously. The question of a member, for what case does this enactment apply? or, is this enactment absolute and without condition? or, who is to have this right; to be compelled to this sacrifice; to exercise this authority? or, when, where, and how is it to be exercised? calls the attention at once to the enunciation of *the case, the condition, the subject, the action* respectively. The smallest inconsistency between the answer of the conductor of the bill and the expression in the bill of either of these elements, will at once compel the insertion of modifications, accordant with his explanations. The unfair and unavowable legislation, which now sometimes passes in the confusion of an intricate phraseology, would be prevented at once.'—(P. 44.)

We have avoided the subject of Local Legislation, as apt to lead to the consideration of defects peculiar to itself, with which it would be impossible to deal within our limited space; but we feel bound to notice a feature in the general legislation of the country during the last session, calculated to abbreviate and simplify future local bills. Three acts were passed intended to contain general formulas for the clauses most usually to be found in local measures. There are certain provisions which every local act, for the accomplishment of any one particular class of objects—such as railways or harbours—contains, or ought to contain. By embodying the corresponding clauses in a series of Public acts, instead of separately re-enacting them in each new local statute, it was believed that two objects might be accomplished in regard to future local legislation,—brevity and uniformity. These acts are appointed to be cited by abbreviated titles, which announce pretty distinctly their objects:—'The lands clauses consolidation act,'—'The companies' clauses 'consolidation act,'—'The Railways' clauses consolidation 'act.' To prevent confusion, a separate series was passed applicable to Scotland. The design of these measures is worthy

of unmixed commendation. How far they may accomplish their purpose, can only be judged of, after a course of experience of their operation.

We have already intimated, that it did not form any part of the plan of this article, to enter on the discussion of any definite and systematic measures for the reform of those evils, a part only of which we have pointed out. In Mr Symonds' Report, a scheme of bold and ingenious arrangements is set forth, which our limits will not allow us to notice, further than to express our belief, that it aims at a change much too radical and extensive to be safely adopted, until it has stood the test of further and more thorough examination and criticism. This gentleman had the merit of having attracted attention to this subject in 1835, in a work entitled *The Mechanics of Law-Making;* and he even then presented his opinions in a complete and systematic form. Mr Coode, whose little work is more cautious in its clear and exact suggestions, considers that nearly all that is desired may be accomplished, by ridding the present forms of their superfluous and obscure phraseology; and confiding the mechanical part of legislation to persons who have studied, and who comprehend the nature of their task. In this opinion he is supported by the scope of Mr Gael's more elaborate work, which furnishes a chart of rocks and quicksands to be avoided by the draftsman who desires to put his meaning into language which cannot be either mistaken or misapplied.

ART. VI. 1.—*The Expedition to Borneo of Her Majesty's Ship Dido, for the Suppression of Piracy: with Extracts from the Journal of James Brooke, Esq. of Sarawak, now Agent for the British Government in Borneo.* By Captain the Hon. HENRY KEPPEL, R.N. 2 vols. 8vo. London: 1846.

2. *Enterprise in Tropical Australia.* By G. W. EARL, 8vo. London: 1846.

3. *Trade and Travel in the Far East.* By G. F. DAVIDSON. 8vo. London: 1846.

4. *An Address, with a Proposal for the Foundation of a Church, Mission-House, and School at Sarawak, Borneo.* By the Rev. C. D. BRERETON, Rector of Little Massingham, Norfolk. 8vo. London: 1846.

5. *Discoveries in Australia; with a Narrative of Captain Owen Stanley's visits to the Islands in the Arafura Sea.* By J. LORT STOKES, Commander R.N. 2 vols. 8vo. London: 1846.

AT the conclusion of the Chinese war in 1842, Captain Keppel, then in command of H.M.S. Dido, was ordered to the Malacca straits,—a station in which the island of Borneo was included; his principal duties being 'the protection of trade, and suppression of piracy.' The first of the above works, comprises in part the narrative of his proceedings in the execution of the latter branch of his duty. But the greater portion is composed of Extracts from the Journal of Mr Brooke, containing details respecting the foundation of his little Sovereignty on the coast of Borneo, to which so much observation has been lately, and most deservedly directed.

'The voyage I made to China,' says this extraordinary person—in language which conveys an idea of the swelling magnificence and importance of his views—'opened an entirely new 'scene; and showed me what I had never seen before—savage 'life and savage nature. I inquired, and I read, and I became 'more and more assured that there was a large field of discovery 'and adventure open to any man daring enough to enter upon 'it. Just take a map, and trace a line over the Indian Archi-'pelago, with its thousand unknown islands and tribes. Cast 'your eye over the vast island of New Guinea, where the foot of 'European has scarcely, if ever, trod. Look at the northern 'coast of Australia, with its mysterious gulf of Carpentaria;— 'a survey of which, it is supposed, would solve the great geogra-'phical question respecting the rivers of the mimic continent. 'Place your finger on Japan, with its exclusive but civilized

'people: it lies an unknown lump on our earth, and an undefined 'line on our charts.' Think of the northern coast of China, 'willing, as is reported, to open an intercourse and trade with 'Europeans, spite of their arbitrary government. Stretch your 'pencil over the Pacific Ocean, which Cook himself declares a 'field of discovery for ages to come! Proceed to the coast of 'South America, from the region of gold dust to the region of 'furs;—the land ravaged by the cruel Spaniard, and the no less 'cruel Buccanier; the scene of the adventures of Drake, and 'the descriptions of Dampier. The places I have enumerated 'are mere names, with no specific ideas attached to them; lands 'and seas where the boldest navigators gained a reputation, and 'where hundreds may yet do so, if they have the same courage 'and the same perseverance. Imagination whispers to ambition, 'that there are yet lands unknown which might be discovered. 'Tell me, would not a man's life be well spent—tell me, would 'it not be well sacrificed—in an endeavour to explore these 'regions? When I think on dangers and death, I think of them 'only because they would remove me from such a field for 'ambition, for energy, and for knowledge.'

We have inserted these striking sentences of Mr Brooke's Journal without introduction, because, in truth, they serve by themselves as the best of introductions to the narrative of his undertakings, and furnish the best key to the character of the writer. He affords a fresh exemplification of the truth, that great things are rarely accomplished in new and strange fields, except by men with a strong tendency to romance in their composition. His powerful imagination first opened the road which he has followed with eminently practical conduct and sagacity. Every page of his Journal bears the impress of vivid and almost passionate sensibility; his whole heart and soul are in each successive portion of his Narratives. Chivalrous almost to Quixotism, he sets out as the very Knight-Errant of justice and humanity, among Tribes abandoned to the extremest evils of barbarous oppression. He makes his way among them, as if really possessed of those magical powers which his simple observers attribute to him; beats down opposition; wins over suspicion; draws to him the hearts of races of men so outwardly different from ourselves as to seem like inhabitants of another planet, by appeals to those feelings and principles which form the basis of our nature every where; and lights up, like a new Prometheus, in the hearts of Savages the common fire of humanity. He founds a little state, enacts laws, conquers neighbouring chiefs, establishes an asylum for the oppressed; becomes famed, courted, and feared, over a considerable district of this great Island;—all by the force of a resolute will and clear head, and an armed power consisting of a yacht's

crew and 'six six-pounders!' Yet his narrative exhibits no consciousness of having done great things, but rather that perpetual craving after more extensive success, and a wider field of action, which has so strongly characterised the most distinguished missionaries of humanity :—most of whom, like those of religion, have never sought or found rest on this side of the grave. The greater his success in rescuing some portion of his fellow creatures from their miserable lot, the greater is his impatience of all the remaining iniquity which is done under the sun. As his Journal commences, so, after six years of most successful endeavours, it ends, with longings after greater things to be accomplished—'Oh, for power to pursue the course pointed out!'

We have spoken of Mr Brooke and his great and humane undertakings somewhat abruptly, and as if presuming that they were already familiar to our readers; and, in fact, so general is the interest which Captain Keppel's work has excited, that we suspect there are few now to whom his name at least, and that of his Settlement, have not become known. To those, however, who have not yet acquired this knowledge, a few prefatory explanation may be acceptable.

Mr Brooke is the son of a gentleman in the East India Company's civil employment, and commenced life as a Cadet in that excellent service. After fighting through the Burmese war, he made a casual visit to China; and it was on that voyage, that the passion for exploring and *mastering* the great Asiatic Archipelago first took hold of his soaring imagination. For eight years he cherished his projects with all the peculiar tenacity of his character. He fitted out a vessel, the Royalist—belonging originally, as we believe, to the Yacht squadron—tested her powers, and those of his crew, by three years' cruising in the Mediterranean, and elsewhere; and, having trained his men and himself into a thorough comprehension of, and mutual reliance on each other, set sail as independent as a Bucanier of old, though with far different objects, and made the coast of Borneo on the first of August 1839.

Except the interior of Australia and Africa, there is no portion of the earth which presents such a blank on our maps, as this vast island. Borneo, or Bruni, is properly the name of a kingdom and city on its north-western coast—a great and wealthy state in the days of the old Portuguese navigators, but now much decayed. Pulo Kalamantan is (or was) the general name of the island among the Malays. The climate is equatorial, that is to say, moist to excess; and subject to showers at almost all periods of the year, but with a very small range of temperature; generally resembling that of Ceylon.

The perennial rains nourish a great number of fine rivers, up

which the tide rises for many miles,—affording the only communications with the interior of which Europeans have hitherto been able to avail themselves. For beyond the banks of the tide rivers, all that is known is covered with the thickest forests; nor is it ascertained whether the interior consists of mountain, table land, or low country; nor has any thing been discovered with greater certainty of its inhabitants. It is a mere blank, peopled by fancy and tradition with strange animals, and stranger men—the Old Man of the Wood, or Pongo of Buffon, (termed *Mias rombi* by Mr Brooke, who has collected some curious details respecting the animal, the most powerful and fiercest of the Orang-Outang race,) and tribes of men dwelling in trees, scarcely superior to the Orang in intelligence. The coast is every where fertile, and highly productive in the few parts where cultivation has penetrated. That its climate is healthy may be inferred from the fact that the volumes of Captain Keppel, in all their details of adventure, contain scarcely any allusions to suffering from sickness; though the chief work performed by him and his crew lay in the exploring of marshy inlets and tide rivers, such as, in tropical Africa, form the very haunts of death.

As far as hitherto explored, the population of Borneo seems to consist of two races—Malays and Dyaks. The former have spread themselves all over the Eastern Archipelago, much as the Pelasgian race did in the early days of Greece;—issuing from its original mountain fastnesses of Sumatra, where the cradle of this great nation is supposed to exist. Superior to the original inhabitants in civilization and in energy, they have subjugated the Dyaks, wherever they came within their reach; and have established a number of small commercial states on the coast. The Malays have generally embraced the Mahometan religion; some of their states are governed by Arab Seriffs, proud of their descent from the Prophet; and these were among Mr Brooke's worst opponents. Guilty of inconceivable oppression toward their subject tribes; remorseless pirates by sea, and tyrants at home; false, vindictive, cunning, and rapacious,—the Malays have hitherto borne a very black character in the estimation of European traders; and form the heroes of numberless dark narratives of maritime adventure. But Mr Brooke, whose singularly large sympathy is one of the most attractive points of his benevolent character, has a good word even for the Malays. After speaking of the judgment formed by European traders, 'eager after 'gain, probably* not over-scrupulous about the means of attain-

* But *certainly* not, if we may trust Mr Davidson. 'Who taught the native' (in Sumatra) 'his roguish tricks? who introduced false weights? who brought to the coast 56 lb. weights with a screw in the bot-

'ing it,'—of the Rajahs and Courtiers with whom they are brought into contact, always ready to repay cheating with treachery,—he adds, that when removed from the immediate influence of their governors, the Malays in general are 'neither treacherous nor 'bloodthirsty. Cheerful, polite, hospitable, gentle in their 'manners, they live in communities with fewer crimes and fewer 'punishments than most other people of the globe. They are 'passionately fond of their children, and indulgent even to a 'fault; and the ties of family relationship and good feeling con-'tinue in force for several generations. The feeling of the 'Malay, fostered by education, is acute, and his passions are 'roused if shame be put upon him: indeed, this dread of shame 'amounts to a disease; and the evil is, that it has taken a 'wrong direction, the dread of shame being more of exposure 'or abuse, than contrition for any offence. I have always found 'them good-tempered and obliging,—wonderfully amenable to 'authority, and quite as sensible of benefits conferred, and as 'grateful, as other people of more favoured countries. Of course 'there is a reverse to this picture. The worst feature of Malay 'character is the want of all candour or openness, and the rest-'less spirit of cunning intrigue, which animates them from the 'highest to the lowest. Like other Asiatics, truth is a rare 'quality among them. They are superstitious; somewhat in-'clined to deceit in the ordinary concerns of life; and they 'have neither principle nor conscience when they have the means 'of oppressing an infidel and a Dyak, who is their inferior in 'civilization and intellect.'—(*Keppel*, vol. ii. p. 128.)

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tom, which opened for the insertion of from 10 to 15 lb. of lead, after their correctness had been tried by the native in comparison with his own weights?'—'I challenge contradiction when I assert, that English and American shipmasters have been for thirty years addicted to these dishonest practices.'—(*Trade and Travel*, p. 90.) Yet Mr Davidson is no very sensitive observer;—witness his vaunting and sophistical defence of the wretched opium trade, p. 240; and his suggestions for our treatment of the Japanese, p. 286! Every thing, says Socrates, has two handles—and it must be confessed, that if commercial enterprise has made an opening for the introduction of European civilization in the East, commercial morality seems likely to neutralize much of the benefit. We are not ignorant of the movement on the part of some of our Hong Kong residents, to induce Government to break faith with China, on some shuffling plea of non-performance by the Chinese of their part of the treaty, by retaining the Island of Chusan *for the advantage of British trade.* But this is too important a subject for discussion in a Note. In the mean time, the reader may consult, if he is in quest of immediate information, Mr Montgomery Martin's lately published 'Re-'ports, Minutes, and Despatches on the British Position and Prospects in 'China.'

The Dyaks, who form the mass of the population, seem to be of the same original race with the Bugis of Celebes—a branch of the great and problematical Polynesian family of mankind. They are of two sorts—the land and sea Dyaks. The latter, as their name indicates, are a maritime people. Their homes are in places difficult of access—far up the estuaries of their numerous rivers; whence, under Malay leadership, they sally in those innumerable pirate *Prahus*, which have so long been the terror of the Eastern seas. As in Homeric days—and it is scarcely conceivable how many passages of Captain Keppel and Mr Brooke's narrative, as of all narratives which treat of a fresh and rarely visited race in a state of rudimental civilization, bring us back to the days of Homer—piracy is the great outlet of the spirit of warlike adventure; and so rooted is it in the habits of the people, that its extirpation will be a work of the greatest difficulty—of which we shall have more to say presently.

'The Datus, or chiefs,' says Captain Keppel, 'are incorrigible; for they are pirates by descent, robbers from pride as well as taste, and they look upon their occupation as the most honourable hereditary pursuit. They are indifferent to blood, fond of plunder, but fondest of slaves: they despise trade, though its profits be greater, and, as I have said, they look upon piracy as their calling, and the noblest occupation of chiefs and freemen. Their swords they show with boasts as having belonged to their ancestors who were pirates, renowned and terrible in their day; and they always speak of their ancestral heir-loom as decayed from its pristine vigour, but still the wielding of it as the highest of earthly existences.'

The Sarebus and Sakarrans (two of the fiercest pirate tribes) are described as 'fine men, fairer than the Malays; with sharp, 'keen eyes, thin lips, and handsome countenances, though fre-'quently marked by an expression of cunning.'

The Dyak Darrat, or land Dyaks, seem to differ in no essential particular, of language or customs, from the men of the sea, except in as far as depends on their inland position. The only remarkable difference of usage noticed by Mr Brooke is, that the latter use, and the former do not, the curious weapon called the *sumpitan*, or blowpipe, for shooting poisoned arrows. 'The 'wounds inflicted by these are curable,' says Mr Brooke, 'by an-'tidotes known to the natives; nor are they regarded, apparent-'ly, with much terror.' And we suspect the whole romantic history of the poisonous trees of the Indian isles must be banished, with so many other marvels, to the province of legends; since a friend of Mr Davidson in Java, 'to prove their absurdity, climbed up 'an upas-tree, and passed two hours in its branches, where he 'took his lunch and smoked a cigar!'

'The Dyaks have from time immemorial been looked upon as the

bondsmen of the Malays, and the Rajahs consider them much in the same light as they would a drove of oxen—*i. e.* as personal and disposable property. They were governed in Sarawak by three local officers, called the Patingi, the Bandar, and the Tumangong. To the Patingi they paid a small yearly revenue of rice, but this deficiency of revenue was made up by sending a quantity of goods, chiefly salt, Dyak cloths, and iron, and demanding a price for them six or eight times more than their value. The produce collected by the Dyaks was also monopolised, and the edible birds'-nests, bees'-wax, &c. &c., were taken at a price fixed by the Patingi, who, moreover, claimed mats, fowls, fruit, and every other necessary, at his pleasure, and could likewise make the Dyaks work for him for merely a nominal remuneration. This system, not badly devised, had it been limited within the bounds of moderation, would have left the Dyaks plenty for all their wants; or had the local officers known their own interest, they would have protected those upon whom they depended for revenue, and under the worst oppression of one man the Dyaks would have deemed themselves happy. Such, unfortunately, was not the case; for the love of immediate gain overcame every other consideration, and by degrees old-established customs were thrown aside, and new ones substituted in their place. When the Patingi had received all he thought proper to extort, his relatives first claimed the right of arbitrary trade, and gradually it was extended as the privilege of every respectable person in the country, to *serra* the Dyaks. The poor Dyak, thus at the mercy of half the Malay population, was never allowed to refuse compliance with these demands. He could plead neither poverty, inability, nor even hunger, as an excuse, for the answer was ever ready—"Give me your wife or one of your children;" and, in case he could not supply what was required, the wife or the child was taken, and became a slave. Many modes of extortion were resorted to; a favourite one was convicting the Dyak of a fault, and imposing a fine upon him. Some ingenuity and much trickery were shown in this game, and new offences were invented as soon as the old pleas would serve no longer. For, instance, if a Malay met a Dyak in a boat which pleased him, he notched it as a token that it was his property. In one day, if the boat was a new one, perhaps three or more would place their marks on it; and, as only one could get it, the Dyak to whom the boat really belonged had to pay the others *for his fault.* This, however, was only "a fault;" whereas, for a Dyak to injure a Malay, directly or indirectly, purposely or otherwise, was a *high offence*, and punished by a proportionate fine. If a Dyak's house was in bad repair, and a Malay fell in consequence, and was hurt, or pretended to be hurt, a fine was imposed; if a Malay in the jungle was wounded by the springs set for a wild boar, or by the wooden spikes which the Dyaks for protection put about their village, or scratched himself and said he was injured, the penalty was heavy; if the Malay was *really hurt*, ever so accidentally, it was the ruin of the Dyak. And these numerous and uninvited guests came and went at pleasure, lived in free quarters, made their requisitions, and then forced the Dyak to carry away for them the very property of which he had been robbed. This is a fair picture of the governments under which the Dyaks lived; and although they were

often roused to resistance, it was always fruitless, and only involved them in deeper troubles; for the Malays could readily gather a large force of sea Dyaks from Sakarran, who were readily attracted by hope of plunder, and who, supported by the fire-arms of their allies, were certain to overcome any single tribe that held out. The misfortunes of the Dyaks of Sarawak did not stop here. Antimony ore was discovered; the cupidity of the Borneons was roused; then Pangerans struggled for the prize; intrigues and dissensions ensued; and the inhabitants of Sarawak in turn felt the very evil they had inflicted on the Dyaks; whilst the Dyaks were compelled, amidst their other wrongs, to labour at the ore without any recompense, and to the neglect of their rice cultivation. Many died in consequence of this compulsory labour, so contrary to their habits and inclinations; and more would doubtless have fallen victims, had not civil war rescued them from this evil, to inflict upon them others a thousand times worse. Extortion had before been carried on by individuals, but now it was systematized; and Pangerans of rank, for the sake of plunder, sent bodies of Malays and Sakarran Dyaks to attack the different tribes. The men were slaughtered, the women and children carried off into slavery, the villages burned, the fruit-trees cut down, and all their property destroyed or seized. The Dyaks could no longer live in tribes, but sought refuge in the mountains or the jungle, a few together; and as one of them pathetically described it—"We do not live," he said, "like men; we are like monkeys; we are hunted from place to place; we have no houses; and when we light a fire, we fear the smoke will draw our enemies upon us."' *

These are the people among whom Mr Brooke toiled in his perilous mission, to rescue some portion of the race from misery and annihilation,—partly by offering an asylum to the persecuted; more extensively by the example of justice, and the terror of the British name, with which he inspired their oppressors. In character they are 'mild and tractable, hospitable when well used, grate-'ful for kindness, industrious, honest, and simple; neither treach-'erous nor cunning, and so truthful that the word of one of them 'might safely be taken before the oath of half a dozen Borneons. 'In their dealings they are straightforward and correct; and so 'trustworthy, that they rarely attempt, even after a lapse of years, 'to evade payment of a just debt.' In short, Mr Brooke is evidently over partial to his benighted clients, and has inspired Captain Keppel with his own amiable prepossessions. They are, at all events, a simple and inoffensive people, patient under suffering, grateful for benefit. One custom they have which certainly militates against the idea of Arcadian harmlessness,—that of adorning themselves, not with the scalps, but with the *heads* of their slain enemies. These trophies are carefully saved, well-

* Keppel, vol. ii. p. 178—182.

seasoned, and highly valued. 'The operation of extracting the 'brains from the crown part of the skull with a bit of bamboo, 'shaped like a spoon, preparatory to preserving, is not a plea- 'sing one. The head is then dried, with the flesh and hair 'on it, suspended over a slow fire, during which the chiefs and 'elders of the tribe perform a sort of war-dance.' When visiting a tribe called the Singe Dyaks, in company with Mr Brooke, Captain Keppel witnessed a grand dance of this description:— 'The movement was like all other native dances, graceful but 'monotonous. There were four men, two of them bearing human 'skulls, and two the fresh heads of pigs; the women bore wax- 'lights, or yellow rice on brass dishes. They danced in line, mov- 'ing backwards and forwards, and carrying the heads and dishes in 'both hands; the graceful part was the manner in which they half 'turned the body to the right and left, looking over their shoulders, 'and holding the heads in the opposite direction; as if they were in 'momentary expectation of some one coming up behind to snatch 'the nasty relic from them.' The two friends slept in a circular building adorned with these trophies, 'which our party named 'the Scullery.' 'A young chief seemed to take great pride in an- 'swering interrogatories respecting different skulls which we 'took down from their hooks. . . . Among other trophies was 'half a head, the skull separated from across between the eyes, 'in the same manner that you would divide that of a hare or 'rabbit to get at the brain—this was their division of the head 'of an old woman, which was taken when another (a friendly) 'tribe was present, who likewise claimed their half. I after- 'wards saw these tribes share a head. But the skulls, the ac- 'count of which our informant appeared to dwell on with the 'greatest delight, were those which were taken while the owners 'were asleep—cunning with them being the perfection of war- 'fare.'* As to the religion of the Dyaks, Captain Keppel and Mr Brooke report little beyond a few legends and traditionary observances. Their ideas of a Deity are confused, and seem to vary in the different tribes. Indeed, of the Singé Dyaks Mr Brooke remarks, perhaps rather loosely, that 'religion they 'have none.' They have an odd belief in augury—that mysterious and widely prevalent superstition. Some birds are in better repute than others. A bird *behind* a traveller is fortunate; *before* him, it denotes an enemy in the way. The women are better treated than among most savage races; nor is polygamy practised. They never intermarry with the Malays. Notwithstanding the simplicity of their habits, they are considerably ad-

* Keppel, vol. ii. pp. 35—37.

vanced in some of the arts of life. They are celebrated for their skill as workers in iron, and their *prahus* are constructed in a very skilful style. They practise agriculture also to a respectable extent, but they rarely keep up the cultivation of old lands: their way is to inclose a patch every year from the jungle, cultivate enough to satisfy their wants, and then suffer it to return to its original state.

On Mr Brooke's first visit, Rajah Muda Hassim, a dependant of the Sultan of Borneo, among his other governments, was Lord of Sarawak—a small town and district situated on a navigable river in Borneo, Proper. Mr Brooke entered into negotiations with this Malay Prince, on the subject of commerce; but though Muda Hassim, a weak but well-meaning kind of Asiatic, seemed well inclined to encourage his views, nothing effectual was done. After several months passed in Celebes and elsewhere, and in sickness at Singapore, he returned to his favourite island in August 1840. Muda Hassim was now at war with a confederacy of Dyak tribes, his revolted dependants; and Mr Brooke determined on lending the Rajah his assistance, and that of his brave little crew of the Royalist. The details of the ludicrous warfare which followed, must be read in Mr Brooke's own Journal. Like the warriors of Homer, the contending Borneons attacked each other with 'big words and loud cries,' but the actual fighting was of the most innocent description. Their grand manœuvre was to build stockades continually in face of each other, and thus the stronger party drove the weaker by degrees from position to position; but they were very shy of assaulting each other's works. Macota, a wily and redoubted chief, had conducted a campaign against the same rebels the former year. They had, according to his account, 'contests by sea and land; stockade was opposed 'to stockade, and the fighting was constant and severe; but he 'never lost a man killed during the two months, and only boasted 'of killing four of the enemy!' The principal danger in Malay warfare, is the Mengamuk—*Anglicé*, running a-muck—which is the last resource of a desperate man. Yet these wars are perhaps more destructive than those of the fiercest military nations. 'Whilst both weak parties, gradually growing weaker, hold their 'own ground, the country becomes a desert. First, trade 'stagnates, agriculture withers, food becomes scarce, all are ruin-'ed in finances, all half-starved and miserable; and yet the war 'drags on, and the worst passions are aroused, effectually pre-'venting the slightest concession, even if concession would avail. 'But each combatant knows the implacable spirit—the deep 'desperation—of the other too well to trust them; and if at 'length the fortunes of famine decide against them, they die

'rather than yield; for a Dyak can die bravely, I believe, 'though he will not fight as long as life has any prospects.' *

Among these hosts of unwarlike combatants, the apparition of Mr Brooke and his dozen Englishmen, was like that of the English and French adventurers of old, in the battles of the Italian Condottieri, in which armies encountered without killing a man. The rebels were speedily brought to reason, by more decisive measures than it had entered into the imagination of either party to conceive. Having reduced them to submission, Mr Brooke's next and most difficult task was to save their lives. 'Those who know the Malay character will appreciate the 'difficulty of the attempt to stand between the monarch and his 'victims. I only succeeded,' says he, 'when, at the end of a long 'debate—I soliciting, he denying—I rose to bid him farewell, as 'it was my intention to sail directly, since, after all my exertions 'in his cause, if he would not grant me the lives of the people, 'I could only consider that his friendship for me was at an end. 'On this he yielded.'

Mr Brooke soon became indispensable to the Rajah, whose authority he had thus successfully maintained. He established his residence at Sarawak, and devoted himself, heart, head, and purse, to the establishment of a trade with Singapore; and to the rescuing the unhappy Dyaks of his neighbourhood from the oppressions under which they laboured. It is impossible for us to do justice to this part of his proceedings: his own Journal must be consulted, to show with what fortitude and patience he wrought his way through all the obstacles interposed by the semi-barbarous craft of his many opponents,—the indolence and ingratitude of the Rajah himself, and the treachery of his subordinates. It is difficult to imagine a situation more trying to courage than his, when, in August 1841, having dispatched both his vessels—the Swift laden with Antimony Ore to Singapore, the Royalist to search for an English ship reported to have been wrecked on the north coast of Borneo—he found himself, with three European companions only, exposed to the intrigues of the contemptible Malays about him; and to the open hostility of the neighbouring pirate chiefs, whose course of oppression he had thwarted. But unbending spirit and sagacity won the day: the Swift returned from her trading cruise, the Royalist from her voyage of humanity. Mr Brooke now again found himself at the head of an armed force; and his projects having enlarged themselves with his experience, he accepted from the Rajah a cession of Sarawak, with its immediate territory, to hold *as his own dominion!* but whether

* Keppel, vol. i. p. 164.

as lord-paramount, immediately holding of the Sultan, or as dependant on Muda Hassim—we do not see our way into the Feudal System of Borneo sufficiently to understand. This was on the 24th September 1841. 'I have a country!' is his animated entry in his Journal; 'but, oh! how beset with difficul-'ties, how ravaged by war, torn by dissensions, and ruined by 'duplicity, weakness, and intrigue!'

The new Rajah of Sarawak shortly afterwards had a brief Code of Laws printed, at his own expense, in the Malay language. The first imports that—'1. Murder, robbery, and other 'heinous crimes, will be punished according to the *ondong-*'*ondong*, *i.e.* the written law of Borneo; and no person com-'mitting such offences will escape, if, after fair inquiry, he be 'proved guilty.' The next three Laws establish free trade; the sixth relates to finance; the seventh to the currency; and the last is a warning to all peace-breakers, 'to seek their safety, 'and find some other country where they may be permitted to 'break the laws of God and man.'

Nor were these Laws mere idle forms. Steadily, though with infinite difficulties, the worthy Rajah laboured to carry them out in practical government. His own strong enthusiasm for the cause he had undertaken bore him onwards. 'At a 'distance,' he says in this part of his Journal, 'I have heard 'of and pitied the sufferings of the negroes and the race 'of New Holland, yet it was the cold feeling dictated by 'reason and humanity; but now, having witnessed the miseries 'of a race superior to either, the feeling glows with the fervour 'of personal commiseration;—so true is it that visible misery 'will raise us to exertion, which the picture, however power-'fully delineated, can never produce. Poor, poor Dyaks! exposed 'to starvation, slavery, death; you may well raise the warmest 'feelings of compassion—enthusiasm awakes at witnessing your 'sufferings! To save men from death has its merit; but to 'alleviate suffering, to ameliorate all the ills of slavery, to 'protect these tribes from pillage and yearly scarcity, is far 'nobler; and if, in the endeavour to do so, one poor life is sacri-'ficed, how little is that in the vast amount of human existence!' Lofty upbearing sentiments! worthy and capable of being entertained only by those fitted for such Godlike enterprises!

There were other and more pressing evils to be remedied, before the work of civilization could begin. The new settlement was hemmed in by fleets of pirates. Many of Mr Brooke's own Dyaks were cut off by the predatory tribes, and all attempts at foreign trade were counteracted by the general insecurity. The chief of the Sarebus 'hung a basket on a high tree,' which was to contain the new Rajah's head. For the purpose of obtaining

regular investiture from the Sultan of Borneo, and consolidating his power, Mr Brooke visited Bruni, the miserable capital of his Borneon Majesty;—'a man past fifty years of age, short and puffy 'in person, with a countenance which expresses very obviously the 'imbecility of his mind.' It was after his return from this expedition that the Dido visited Sarawak, and Captain Keppel first met with Mr Brooke; and the Captain's descriptions of the motley household, and rough royalty of the self-raised potentate, are graphic enough. It was a large rambling hut, after the native fashion, built on piles on the brink of the water, with a space surrounded by palisades and a ditch,—'forming a protection to 'sheep, goats, occasionally bullocks, pigeons, cats, poultry, 'geese, monkeys, dogs, and ducks.' His European household consisted of a young navy surgeon, a kind of prime minister of the name of Williamson; an old man-of-war's man, 'who kept 'the arms in first-rate condition; and another worthy who an-'swered to the name of *Charlie*, and took care of the accounts 'and charge of every thing.' The officers of the Dido shared to the full extent in the hospitality of these strange quarters; 'and it was while smoking cigars in the evening, that the 'natives, as well as the Chinese who had become settlers, used 'to drop in, and, after creeping up, according to their custom, 'and touching the hand of their European Rajah, retired to the 'further end of the room, squatting down upon their haunches, 'and remaining a couple of hours without uttering a word, and 'then creeped out again. I have seen sixty or seventy come in 'and make this sort of salaam.'*

In June 1843, Captain Keppel set out on the long-planned expedition against the piratical Dyaks of the Sarebus and Sakarran rivers. His force was composed of the pinnace, two cutters, and the gig of the Dido; Mr Brooke's native built boat the 'Jolly 'Bachelor,' and 'a large Tope of 35 tons, which carried a well-'disciplined commissariat, as well as ammunition.' The native auxiliaries were numerous,—consisting not only of Mr Brooke's vassals of Sarawak, but also several bands of wild Dyaks—the whole under the command of Lieut. Wilmot Horton; while Mr Brooke himself attended the expedition, with his native coxswain, called Seboo, a kind of Borneon 'Man Friday.'

'He was civil only to his master, and, I believe, brave while in his company. He was a stupid-looking and powerfully-built sort of savage, always praying, eating, smiling, or sleeping. When going into action, he always went down on his knees to pray, holding his loaded musket

* Vol. ii. p. 17.

before him. He was, however, a curious character, and afforded us great amusement, took good care of himself and his master, but cared for no one else.

'In the second gig was Lieutenant E. Gunnell, whose troublesome duty it was to preserve order throughout this extensive musquito fleet, and to keep the natives from pressing too closely on the rear of our boats—an office which became less troublesome as we approached the scene of danger. The whole formed a novel, picturesque, and exciting scene; and it was curious to contemplate the different feelings that actuated the separate and distinct parties, the odd mixture of Europeans, Malays, and Dyaks, the different religions, and the eager and anxious manner in which all pressed forward. The novelty of the thing was quite sufficient to excite our Jacks, after having been cooped up so long on board ship—to say nothing of the chance of a broken head. Of the Malays and Dyaks who accompanied us, some came from curiosity, some from attachment to Mr Brooke, and many for plunder; but I think the majority to gratify revenge, as there were but few of the inhabitants on the north coast of Borneo who had not suffered more or less from the atrocities of the Sarebus and Sakarran pirates—either in their houses burnt, their relations murdered, or their wives and children captured and sold into slavery.' *

This imposing armament moved leisurely up the Sarebus river with the flood tides, anchoring always on the ebb; by which means, says the narrator, 'we managed to collect our stragglers and keep 'the force together.' On the 10th they passed, or rather were passed by the 'bore' of the river, up which the tide rushes with effects similar to those observable in the estuaries of the British Channel; —a circumstance on which the pirates seem to have counted as one of the defences of their position. On the next day, a sudden turn in the river 'brought us (Mr Brooke was at my side) in front of 'a steep hill which rose from the bank. It had been cleared of 'jungle, and long grass grew in its place. As we hove in sight, 'several hundred savages rose up, and gave one of their war-'yells; it was the first I had heard. No report from mus-'ketry or ordnance could ever make a man's heart feel so *small* '(adds the captain very honestly) as mine did at that horrid 'yell.' They passed a kind of fort, where 'on the roof of a long 'building, on the summit of the hill, were several warriors per-'forming a war-dance, which it would be difficult to imitate on 'such a stage.' After exchanging a few shots in sweeping past this fort, the expedition encountered 'a strong barrier right across 'the river, formed of two rows of trees placed firmly in the mud, 'with their tops crossed and secured together by rattans; and 'along the fork, formed by the crossing of the tops of these

* Keppel, vol. ii. p. 44.

'stakes, were other trees firmly secured. Rapidly approaching 'this barrier, I observed a small opening that might probably 'admit a canoe; and gathering good way, and putting my gig's 'head straight at it, I squeezed through. On reaching it the 'scene again changed, and I opened on three formidable-looking 'forts, which lost not a moment in opening a discharge of can- 'non on my unfortunate gig.'

These were the main defences of the Sarebus—and not ill chosen in a military point of view. They enabled the defenders to get some minutes' firing, not without effect, at the assailing party, while breaking through the fence across the river. This once done, the Dido made short work of the rest. 'While 'the pinnace kept up a destructive fire on the fort, Mr D'Aeth, 'who was the first to land, jumped on shore with his crew, at 'the foot of the hill, on the top of which the nearest fort stood, 'and at once rushed for the summit. This mode of warfare— 'this dashing at once in the very face of their fort—was so novel 'and incomprehensible to our enemies, that they fled, panic- 'struck, into the jungle; and it was with the greatest difficulty 'that our leading men could get even a snap-shot at the rascals 'as they went. That evening, the country was illuminated for 'miles by the burning of the capital, Paddi, and adjacent vil- 'lages; at which work and plundering our native followers were 'most expert. We took all their guns, and burnt the stockades 'level to the ground.'

The destruction of Paddi, however, did not end the Sarebus war. The expedition had to advance some way further up the river, with occasional night alarms, and exchanges of shots and spears in the jungle; until it reached 'close to where the pirates 'had removed their families, with such little valuables as they 'could collect.' Then a flag of truce arrived. 'At the ap- 'pointed hour the chiefs made their appearance, dressed in 'their best, but looking haggard and dejected.' Mr Brooke, 'the *Tuan Besar*, or Great Man,' officiated as spokesman; and after dilating on the enormity of piracy, and the resolution of the British Government to suppress it, invited them to a conference at Sarawak. The expedition then repaired down the river, considering the chastisement inflicted sufficient; but the commanders had strong proof of the rapidity with which these swarms of wasps, dispersed at one point, settled in another. They found a new fort constructed at a point on the river which they had passed, and occupied by a new horde of pirates, which had to be stormed, as well as 'Rembas,'—a still more important position, up another branch of the river.

'Here ended, for the present,' says Captain Keppel, 'the warlike

part of our expedition. The punishment we had inflicted was severe, but not more than the crime of their horrid piracies deserved. A few heads were brought away by our Dyak followers, as trophies; but there was no unnecessary sacrifice of life, and I do not believe there was a woman or child hurt. The destruction of these places astonished the whole country beyond description. In addition to the distance and difficulty of access to their strongly-fortified positions, they looked for protection from the bore that usually ran up the Sarebus, and which they imagined none but their own boats could manage. As the different Malay chiefs heard that in ten days a handful of white men had totally destroyed their strongholds, they shook their heads and exclaimed, "God is great!" and the Dyaks declared, that the *Tuan Besar* (Mr Brooke) had charmed the river, to quiet the bore, and that the whites were invulnerable.' *

The effects of this successful *razzia* on the pirates was, however, only temporary. In most instances of European warfare against barbarous tribes, the first struggle is the easiest. A year afterwards, (July 1844,) Captain Keppel and the Dido returned to Borneo, to embark, under Mr Brooke's directions, in a similar undertaking against a more desperate set of pirates,—the Dyaks of the Sakarran river. Captain Keppel reached Sarawak 'on the 25th July. He found the place much altered for the 'better, and the population considerably increased. Mr Brooke 'had established himself in a new house, built on a beautiful 'and elevated mound. Neat and pretty-looking little *Swiss* '*cottages* had sprung up on all the most picturesque spots, which 'gave it quite an European look. He had made also an agree-'able addition to his English society; and a magazine of Eng-'lish merchandise had been opened to trade with the natives, 'together with many other improvements.'

But the state of the neighbouring country was alarming. Sarawak itself had been threatened by Seriff Sahib, an old enemy of Mr Brooke's, now allied with the pirates; and it became every way necessary to take decided measures. Her Majesty's Ship Dido, and the Steamer Phlegethon, attended with the usual train, accordingly moved in great force against the enemy. This campaign turned out a far more serious affair than that against the Sarebus. In it fell the Dido's first Lieutenant, Charles Francis Wade,—a brave man and true sailor, but who rather seems to have fallen a victim to his own rashness. The 'brave old 'Patingi Ali,' the Nestor of Mr Brooke's allied Malays, contrived to run his light division of boats into a treacherous creek, where six large war-prahus took him in the rear; and he and

* Keppel, vol. ii. p. 59—70.

most of his followers were 'krissed' or knocked on the head. But ultimately the triumph was complete. A new 'conference' was summoned, at which divers piratical chiefs were, in name of our ally, the Sultan of Borneo, deposed from their stations. 'I had the satisfaction of witnessing,' says Captain Keppel, 'what must have been—from the effect I observed it to have 'produced—a splendid piece of oratory, delivered by Mr Brooke 'in the native tongue, with a degree of fluency I had never 'witnessed before, even in a Malay. The purport of it, as I 'understood, was to point out emphatically the horrors of 'piracy on the one hand, which it was the determination of the 'British government to suppress; and, on the other hand, the 'blessings arising from peace and trade, which it was equally 'our wish to cultivate.'

Thus terminated the most successful inroad ever made into the haunts of these ferocious Corsairs. But the work was, and is, far from being completed. In May 1845, Mr Brooke was again present when the boats of the Vixen, Nemesis, and Pluto, with five hundred and fifty blue-jackets and marines, carried the fortress of Malludu, fiercely defended by Seriff Houseman;—one of the most persevering and dangerous enemies whom the Rajah of Sarawak had encountered in his civilizing career. Panjeran Usop, another pirate of the highest Malay order, was forced to an unworthy surrender; much to the dissatisfaction of his countrymen. 'His mouth was brave,' they exclaimed, 'but his 'heart timid. He should have died as other great men have 'died, and not have received such shame. He should have '*amoked*, (run a-muck,) or delivered himself up for execution.'

So far well; but Borneon piracy is not like that of the Cilicians of old, to be extirpated in a campaign or two by some victorious Pompey. It is the inveterate habits of the people, Malays and sea-Dyaks alike; and the Bugis of Celebes, and the warriors of the more distant Gilolo, are more formidable than the Borneons. 'The idea of extirpating whole hordes of piratical states,' says Mr Hunt,* 'were it possible, must, from its 'cruelty, be incompatible with the liberal principles and humane 'policy of a British government. The simple burning down of 'a Malay town can prove no serious impediment to future piratical enterprises. Constructed, as they are, of bamboos, mats, 'and atap leaves, a town is almost rebuilt in the same period of 'time as it takes to destroy it. The Dutch, who had centuries 'of dear-bought experience, knew there was no other mode of

* See Memoir on Borneo, appended to Captain Keppel's work.

'prevention and radical cure than building small redoubts at the 'principal towns, and keeping up an adequate force to check 'piratical enterprises, and to turn their restless minds to exer- 'tions of industry; satisfied if, with the attainment of these 'objects, they covered the expenses of the establishment. This 'is the true history of the innumerable little forts on Celebes, 'Borneo, Timor, and all the Eastern isles.'

Much as may be effected by a character and exertions such as those of Mr Brooke, it is evident that it is by time alone, and by a strenuous perseverance in watchful and resolute policy, that we can ultimately attain—as attain we certainly shall—the result of making this vast archipelago as secure for the purposes of commerce, as our Indian seas. Mr Hunt, it may be observed, wrote the above 'Memoir' in 1812. The employment of Steam-Navigation has since that time altered the character of this species of warfare. Floating fortresses, like the Phlegethon, may dispense with the necessity for many an armed post on the land.

Here we must take leave, along with Captain Keppel, of Mr Brooke; not without sharing in his own heartfelt exultation, at finding that his single-hearted zeal and perseverance are already reaping a large reward. By Captain Keppel's last accounts, Sarawak had marvellously increased in population and trade; new houses were daily rising; new vessels constructing; the industrious Chinese had discovered, and were turning to account, this new field of emigration; European settlers were arriving—dangerous but serviceable guests, and safe as yet under the control of Mr Brooke's energy and vigilance; but, above all, the Dyak tribes were flocking in to share the shelter of the flag of the new potentate, and enjoy this narrow but peaceful asylum from surrounding anarchy. Liberated slaves, from the pirate districts, were becoming peaceful cultivators; a long-oppressed race were rising, under his auspices, into the dignity of free and industrious men; and while we can conceive no happiness more exalted than that of the founder of this prosperity, he appears himself to view it in no other light than as a stimulus to further exertion. Captain Keppel informs us also, that Mr Brooke has been lately appointed British Agent in Borneo; and, if this appointment was bestowed at his own request, we trust it may prove an instrument towards the furtherance of his truly philanthropic and magnificent views; though for our own parts, we should have felt some apprehension, we will confess, as to the consequences of his independent action being controlled by the trammels of a connexion with our distant Colonial Office. Government has also adopted another of his suggestions, in taking possession of the island of Labuan, off the

coast of Borneo Proper;—pointed out by him as a convenient spot for the purposes of commerce between China and Borneo, and a depot for coal for steamers on their way to China, as well as a station against the pirates.

We deeply regret, however, to say, that even since we commenced this article, new and painful intelligence has arrived from this most interesting quarter. It seems that Panjeran Budrudeen, a brave and faithful ally of Mr Brooke, of whom many interesting notices are contained in Captain Keppel's volumes, had been attacked by pirates, and forced to retire into his house. Here he defended himself until he could hold out no longer; when, with the desperate valour of the Malay, when driven to extremity, after sending a ring from his finger to Mr Brooke, he fired the gunpowder in his house, and destroyed himself and his family. This ring had been given to him by Mr Brooke, to be sent to summon his aid in a moment of danger. The villanous Sultan of Borneo, it was added, had ordered the destruction of Mr Brooke by poison, or in any other manner; and Muda Hassim, and several of his friends, had already been treacherously killed. At the date of this intelligence, the Phlegethon and other vessels were hastening to the protection of Mr Brooke. Whatever the exact state of circumstances may have been, it is too plain that he was in the midst of one of those perilous and awful conjunctures to which his daring and noble career is exposed. If he has indeed fallen, as some fear, and met the fate for which many passages of his Journal show him fully prepared, England never lost a worthier son in a more heroic and sacred enterprise.

But he has already won his way through more impediments than the dangers with which he was last heard to be environed; and from his indomitable courage and energy we, with considerable confidence, hope for the best. Should he weather this storm, and become firmly seated in his dominions, one more great object lies open to him—the introduction of Christianity among that simple and not unpromising race, for whom he has already effected so much. The great influence which he has acquired, and the purely beneficent character of that influence, would no doubt afford him great facilities for commencing the task. And the disposition of the Dyaks themselves—their naturally peaceable and laborious habits—their freedom from prejudices of caste, and from powerful and rooted superstition—the very absence of any definite religious system, for which they seem remarkable—all these are favourable circumstances in the case. Nor are precedents wanting among the wide-spread nations of the same region. There seems reason to believe that the Dutch have succeeded in introducing

Christianity, far more extensively than is generally known, among the kindred Polynesian races of the Moluccas and the Arafura islands. So much mystery continues to envelope the condition of their eastern settlements, that information on this point is not easily accessible. But it is certain, that Amboyna has become a kind of nursery of native missionaries—sending out teachers, both European and native, to distant portions of the Malay archipelago. And though we know but little, either of the spread, or the character, of their religious instruction, it may be supposed that, outwardly at least, the success of their obscure labours has been greater than that of the much-vaunted Roman Catholic Missions of the East. In 1838, Mr Earl found that one-fourth of the inhabitants of Kissa (a remote island near Timor which he visited) belonged to the Dutch Reformed Church; and he speaks very highly of the order and civilization of the Community. Captain Stanley, who accompanied Mr Earl, gives some other interesting notices of this scattered and struggling Christianity. In one island, indeed, he found the poor Missionary on the point of banishment. The faith of his flock had not been able to resist a long continuance of dry weather, which the Old Gods had sent in their anger. Whoever is interested in this subject—and who that has the cause of Civilization, and the humanizing influence of true Religion at heart, is not?—will be pleased with the 'Address' lately published by the Rev. Mr Brereton, mentioned at the head of this article, and which we here recommend to the general consideration of the Public. Besides its own immediate and principal objects, announced in its title-page, it is prefaced with a rapid and well-written notice of Borneo, strongly inviting attention to it 'as 'one of the largest and fairest countries of the world, and as 'lying on one of the great navigable pathways of the Asiatic 'Archipelago to China and Japan.' It may, however, be true, that the difficulties in the way of real and satisfactory progress, are greater than his praiseworthy zeal anticipates. Mr Brooke's own opinion is, that the work of civilization must precede that of conversion; 'for without previous culture,' he says, 'I reckon 'the labours of the missionary as useless as endeavouring to read 'off a blank paper.' And as his opinion on such a subject ought to rank as an authority, we hope that his judgment, in this as well as less important matters, will not be rashly interfered with.

Our readers will perceive, that much of the value of Captain Keppel's work consists in its extracts from Mr Brooke's Journals, and the insight which it gives into his remarkable history. But the Captain's own deeds and proceedings are well and modestly recounted; and his truly generous zeal to make known the achieve-

ments of his friend scarcely permits him to do himself sufficient justice. Yet his narrative of the exploits of the Dido will, after all, form the most generally amusing part of the book. Altogether, it well merits that public favour which it has already acquired, and to which we think it yet further entitled.

The opening of so vast an Island to English enterprise, forms an era so new and important, in the history of our connexion with that still half fabulous archipelago, of which it nearly occupies the centre, that it may not be without interest to take a brief review of the principal points on which the standard of Britain is already unfurled.

Penang and Singapore are the two outposts of this vast oceanic region. The latter of these two positions, however, is by far the most valuable. The island was selected by Sir Stamford Raffles for a settlement;—a singular instance (except perhaps Odessa) of a great commercial emporium, of which the site has been fixed, not by the natural course of commerce itself, but by the forethought of an individual. Singapore has been for some years the great *entrepôt* of the trade between China and India; especially that part of it which is carried on in the 'junks' of the Chinese. This advantage it appears likely to lose, to some extent, in consequence of the opening of the China trade; though we can hardly agree with Mr Davidson,* who draws from hence the conclusion, 'that the trade of Singapore has reached its maximum.' More probably the certain increase of its commerce with Borneo, and the great islands eastward of it, will, in no distant time, far more than compensate for any diminution of that with China.

The great Empire of our neighbours in the Indian archipelago (for such it is) lies to the southward of the Line;—scattered, from Bencoolen in the west, to Banda in the east, over nearly thirty degrees of longitude. Our transactions with Holland in the Eastern Seas are regulated by a treaty dated in the year 1824. By the twelfth article of that treaty, it is agreed that 'no British establishment shall be made on the Carimon Isles, or on the Islands of Battam, Bintang, Lingin, or any of the other Islands *south of the Straits of Singapore.*' This is one of those oracular clauses, which men of homely understandings are sometimes tempted to suspect Diplomatists of framing in order to insure a perpetuity of employment for the craft. What is meant by 'south of the Straits of Singapore?' Rumour attributes to the Dutch a disposition to give it a very sweeping interpretation indeed — to make it include all Islands

* *Trade and Travel*, p. 67.

reached from Singapore, by passing southward through the straits—that is, all the Eastern Archipelago. It is obvious that this construction will not meet the very letter of the clause. Borneo, for instance, extends as much to northward as southward of the straits in question. But the reasonable intendment is surely that adopted by the English, viz. that the parties had in contemplation the Islands which lie directly south of the straits, and off the east coast of Sumatra. This seems evident from the context; and, in particular, from the clause beginning with an enumeration of some small islands precisely answering this description. The absurdity of the other construction seems nearly as great, as it would be to hold that the mention of 'the 'Azores, and other islands west of the Straits of Gibraltar,' would include both the West Indies and the British Islands. However, we have no wish to anticipate controversies,—such as commercial jealousy is ever imagining, and not unfrequently produces. Sufficient it is that there is ample room for both Powers. And, surely, there is scarcely an European Power with whom we have so little occasion to stand in relations of suspicion as the Dutch—our allies in blood and religion,—our inferiors, beyond all comparison, in population and wealth. Whatever may be thought as to the meaning of the treaty, our ancient rivals surely have here room enough for the formation of a magnificent and varied Sovereignty. How far they have used their opportunities, yet remains a secret to the world. The thick veil of traditional jealousy is still maintained by the Dutch. Java is a splendid possession; and we suspect that our prevalent notions of Dutch misgovernment in that quarter, are much exaggerated; for which, however, the Dutch have their own exclusiveness in a great measure to thank. Since the fall of Diepo Negoro, the Toussaint Louverture of Javanese independence, (he was taken in 1829, imprisoned, and no more heard of,) the Island has been tranquil, and advancing. Mr Davidson states, that it is every where traversed by excellent roads, and has a complete posting establishment—a luxury which would be sought in vain in our own continental possessions.

Of the far-famed Spice Islands, and the innumerable smaller islets and clusters of the Arafura sea, which own the Dutch supremacy, some curious notices are to be found in Lieutenant Kolff's 'Voyages of the Dutch brig Dourga,' translated by Mr Earl, in 1840. It seems that the Dutch keep up the primitive fashion of sending round occasional vessels, like the annual *Triremes* of the Athenians, to remind their insular subjects of their supremacy;—to make up their quarrels, depose or instal Chiefs, and (among other things) to confirm and christen the Christian natives—the Dutch sailors being especially in request as

godfathers on such occasions; in so much, that many a naked Dirk, Cobus, Hendrik, and Johannes, struts about those distant islands in the pride of a Christian name. But these visits are so rare, that many subjects or dependents of his Dutch Majesty only hear of the existence of their Sovereign once in thirty years.

Venerable Dutch traditions and fashions survive among these sleepy tribes, as among Washington Irving's delightful New Netherlanders. They believe firmly in their ancient mistress—the Dutch East India Company—though the said *Compania* has been extinct, we believe, for many a year. Children who have Dutch blood in their composition are still called 'Anak 'Compania'—an European officer is 'Orang Compania'—and a glass of arrack, in some islands, is 'Sopi Compania.' In one Island the natives were found venerating an old chair, which was occupied by an equally old felt hat and truncheon,—the last relics of the *Compania's* sovereignty; and on another, the people of the Dourga were accosted by an aged native, dressed in a costume which might have dated from the days of Valentyn. 'He wore a large wig, a three-cornered hat, short breeches with 'large knee-buckles, and a coat with wide sleeves, ruffles, and 'spacious skirts; while on his feet he had high shoes, with 'heavy silver buckles.' According to Lieutenant Kolff, the attachment which prevails toward the Dutch government, throughout this part of the Archipelago, is extremely strong; and an impartial witness, Sir Edward Belcher, (in his voyage round the world,) bears testimony to the same fact.

Passing on from one verdant spot of earth to another, and scarcely ever losing sight of land, we reach the belt of extensive Islands which forms the southern skirt of the great archipelago; of which Timor is the principal. These contain only a few settlements of degenerate Portuguese, infected with the national vice of slave-trading. Scenes of wonderful luxuriance and beauty here alternate with the desolate lava-fields of the mightiest of known volcanoes: the noise of the eruption of Sumbawa, in 1815, was heard at the distance of 900 miles. The surface of these islands, in most instances, ascends gradually from the north to a great height, and then descends precipitously to the south, into a deep bight of the ocean. From many of the precipices of Timor, which, says Mr Earl, overhang the sea, a line of great length will not reach the bottom. But before the sailor, steering to the southward, has lost sight of the mountains of Timor, he has passed the 'blue water;' and is already in the green and shallow sea, above the great bank which stretches from the shore of Australia;—so near lay the unsuspected Continent, *Terra Australis Incognita*, to those early navigators, to whom the

eastern archipelago was already familiarly known. Within 300 miles of Timor is the 'Cobourg Peninsula;' the most northern part of Australia, on which is situated the new British settlement of Port Essington.

The history of the foundation of this young colony, is detailed by Mr Earl, in the little volume mentioned at the head of this article. He was Commissioner of Crown Lands there. The coast had been partially explored by Captain Stokes, and by Captain Grey. The settlement was planned and executed in 1838, under the auspices of Sir Gordon Bremer; and there is reason to suppose that it will prove a very important acquisition.

As a commercial site, the advantages of Port Essington are great. Its harbour is magnificent; sufficient in extent, according to Captain Stokes,* to hold the largest fleet; and its neighbourhood abounding with ship timber. The climate of the spot on which the new settlement of Victoria is situate, seems not to be well spoken of; but that of the neighbouring region, in general, is thought to be dry and healthy at most seasons. But whether Port Essington be adapted for extensive European settlement or not, it will undoubtedly form a station in that great line of Steam Navigation, which is one day to connect England with New South Wales, by the way of India; and to become one of the chief high-roads of nations. The dangers of Torres' Straits, which must be passed before reaching it from Sydney, once so generally dreaded by European navigators, seem to have nearly disappeared before the progress of more accurate knowledge.

But North Australia offers far more important promises, as being itself a field of future commerce and production. It is a region of vast extent, abounding with vegetable and animal life, but almost unpeopled by native races. The soil generally rests on a sandstone base, and appears to be as favourable for pastoral pursuits as in the south of the Continent; though the climate will probably be found better adapted for rearing horses and cattle, than sheep. But the land is also extremely well suited, in particular districts, for tropical cultivation; especially that of cotton—possibly also of sugar. As, however, the climate will scarcely favour European emigration, it may be thought that we are already lords of tropical wilderness enough; without adding another fertile desert to our gigantic possessions. But the peculiar feature in the case of North Australia is, that it is an un-

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* *Discoveries in Australia, with a Narrative of Captain Stanley's Visits to the Islands in the Arafura Sea.*

occupied region, within immediate and easy reach of some of the most teeming and migratory nations of the globe. There are no colonists so industrious as the Chinese; none, perhaps, more adventurous than the Malays. Instead of having to force a niggardly supply of free labour, by devices too nearly resembling the usages of slavery, there is every reason to suppose that to this region we might attract it unsolicited, and in overflowing abundance. The neighbouring islands of the Archipelago are over-peopled. From their Christian population alone, if Mr Earl's conjectures are correct, a very valuable supply might be obtained. Celebes is the seat of a peculiarly enterprising and locomotive race of people. Nor are the millions of Hindostan, and still more populous China, at any unmanageable distance. 'The natives of the different countries of the East,' says Mr Earl, 'are each proficient in different kinds of labour. Thus 'the Malay is best adapted for clearing new lands;—the Chinese 'being unaccustomed to these operations, from their country 'having been long under cultivation. The latter, again, are the 'best agriculturists, and the most skilful manufacturers of raw 'produce; while the natives of India prove superior herdsmen. 'They are all acquainted with the culture of cotton, but not in 'an equal degree; the Chinese and natives of continental India 'claiming the precedence. The Indian labourer is contented 'with simple food, but is expensive in his clothing, and therefore 'the best customer to the British manufacturer. The Chinese 'labourer wears little clothing, but expends a considerable por-'tion of his wages *in rich food.* The native of continental India 'is sparing in every thing, and saves his wages to carry back to 'his own country.'*

This propensity of the Chinese for 'rich food,' is a matter of so much importance as to deserve a short digression; for it is one of the most important sources of commerce, at the present day, to a considerable part of the Indian Archipelago, with its twenty or thirty millions of inhabitants. Never did the gluttons of Imperial Rome explore such distant seas and coasts for mullets and murenas,

> —'quando omne peractum est
> Et jam defecit nostrum mare, dum gula sævit,
> Retibus assiduis penitus scrutante macello,'

as are yearly ransacked to supply the Mandarins of the Flowery Land, with edible birds' nests, sharks' fins, and trepang. The

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* *Enterprise in Tropical Australia.* By S. W. Earl.

trepang is a kind of *holotheria*, sea-slug, or polypus, which the Chinese convert into soups and ragouts. Its fishery employs an incredible number of hands. Mr Earl does not hesitate to say, that it is 'now the principal source of wealth' to the once famous Spice Islands of the Dutch. More than twenty different species of this delicate creature are enumerated by Chinese epicures;—varying in value from one hundred and sixty, to thirty guilders the *picul*, (of 133 lb. avoirdupois.) Now the immediate importance of this piece of commercial information is, that the Cobourg peninsula, on which Port Essington is situated, affords in its sandy inlets a prodigious supply of trepang. It is already much visited for this purpose by the *prahus* of Macassar; and the following is the tempting account given by Mr Earl of the mode of procuring and preparing it.

'In point of size and appearance it resembles a prickly cucumber, except that the colour is a whitish-brown. I here allude to the most common description; for there are several varieties, one of which is perfectly black. The trepang is found in all the sheltered harbours, where it gropes about the bottom, and feeds upon weeds and mollusca. It is taken at low water upon the shoals or mud banks, over which the fishermen wade knee deep in water, dragging their boats after them; and when the feet come in contact with a slug, it is picked up, and thrown into the boat. They occasionally search in deeper water, when the fishermen avail themselves of the services of the natives, who are expert divers; or, if they cannot obtain such assistance, they prick for them with barbed iron darts, provided with long bamboo handles. The process of curing is very simple. The slug, on being taken from the boat, is simmered over a fire, in an iron caldron, for about half-an-hour; after which it is thrown out upon the ground, and the operation of opening commences, this being effected by a longitudinal cut along the back with a sharp knife. It is then again placed in the caldron, and boiled in salt water, with which a quantity of the bark of the mangrove has been mixed, for about three hours, when the outer skin will begin to peel off. It is now sufficiently boiled, and after the water has been drained off, the slugs are arranged in the drying houses, (small huts covered with mats,) upon frames of split bamboo, spread out immediately under the roof. Each slug is carefully placed with the part that has been cut open facing downwards, and a fire is made underneath; the smoke of which soon dries the trepang, sufficiently to permit its being packed in baskets or bags for exportation.' *

No question but that 'British capital and industry' will soon be applied with the usual energy, to the task of supplying the tables of the 'Celestials' with this slimy luxury. As we have

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* *Enterprise in Tropical Australia*, p. 83.

turned the solitary islet of Ascension into a kind of Turtle Preserve for the Aldermen of our own cities, so will the Cobourg Peninsula become a nursery of sea-slugs for the profounder gourmands of Pekin; and who can estimate the importance of so widely, and home-felt a traffic?

Here, then, the magnificent problem of founding a free community of mixed races—an asylum for the victims of the various oppressions of the Eastern Archipelago—may possibly be worked out on a scale deserving of so vast an experiment. The principles which have proved so successful in the development of the little Communities of Penang and Singapore—where tribes the most opposite in character live together in harmony—may here be applied to a Continent. There is here room to receive the overflow of the swarming millions of China and the Islands; and to nurse the miscellaneous colony under the flag of Britain, until a new Union like that of America, though composed of men of other kindreds and widely different habits, may have spread itself over the tropical half of Australia.

'It is, indeed,' says Captain Stokes, 'to the country behind—at present unvisited, unexplored, a complete terra incognita—and to the islands within a radius of 500 miles, that we must look, if we would form a correct idea of the value of Port Essington to the Crown. At present, it may seem idle to some to introdnce these distant places as elements in the discussion of such a question; but no one who reflects on the power of trade to knit together even more distant points of the earth, will think it visionary to suppose that Victoria must one day—insignificant as may be the value of the districts in its immediate neighbourhood—be the centre of a vast system of commerce;—the emporium, in fact, where will take place the exchange of the products of the Indian archipelago, for those of the vast plains of Australia. It may require some effort of the imagination, certainly, to discover the precursor of such a state of things in the miserable traffic now carried on by the Macassar proas; but still, I think, we possess some data on which to found such an opinion; and I am persuaded that Port Essington will ultimately hold the proud position I predict for it.'*

This is no baseless speculation, distant though the period of its accomplishment may be. It is nothing more than the fair development of those social tendencies and wants which every one may see in actual operation;—a dream, but pregnant with truth; a single life may see it fulfilled. The case of Mr Brooke proves, among many things besides, of how little use it is to oppose the traditionary coldness and caution of the Colonial Office, to the unseen force which impels us on in

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* *Discoveries in Australia,* Vol. ii. p. 359.

our career. The occupation of New Zealand was forced on us by the unauthorized enterprise of individuals; we shall be similarly compelled to fix ourselves on some portion of the shores or adjacent islands of Borneo. Let us then stretch out a friendly and strongly helping hand to Mr Brooke. Conquerors, in a certain sense, we needs must be, while our Empire continues in its present course of development; but it is in our power to restrict ourselves to *peaceful* conquests; and our earnest endeavour must be to render them beneficent. The great work to be done in North Australia requires little preparation; and, let some Doctors say what they will, no painfully pre-considered course of action. The force of events will determine far more than we can forecast; and will undoubtedly disarrange our wisest combinations, if we are unwise enough to embody them in unbending decrees. The truth is, that for founding colonies, at all events, if not for governing them also, good men are of incomparably greater importance than the best of all possible regulations. A Sir Stamford Raffles, a Captain Grey, or a Mr Brooke, are worth, for such purposes, all the theories which have been spun out of ingenious brains, touching the relations of capital and labour. Nor are such men absolutely scarce; though relatively to the needs of our colonial service they are deficient indeed. The great point is, to attract them to it. And what attractions does the Colonial Service present, to compensate for the abandonment of that liberty of action which is so tempting to ardent minds?—a liberty of action which may produce favourable results, as in the case of Mr Brooke, but which, no doubt, may also greatly embarrass legitimate government, and prove the ruin of him who exercises it. It is matter of notoriety, that, generally speaking, military and naval officers alone can afford to undertake the government of our smaller colonies; because they alone can retain their professional employment and prospects, along with those slender and precarious offices. To a civilian, the acceptance of such a place is generally ultimate ruin. And yet, many of our colonial difficulties have arisen from warlike governors not seeing their way clearly, under circumstances where talents and habits of a different order from theirs were required;—talents and habits, the exercise of which, in more fortunate instances, has rescued Colonies from depression produced by bad measures, and calmed the fury of dissensions which former want of judgment had provoked.

But we must not trespass further beyond our present province; and must avail ourselves of some after occasion to show, how the introduction of better regulations into this great branch of service, might, with no great increase of expenditure, go far towards meet-

ing the pressing demand for talent and character, in a sphere of which the importance and the difficulty are likely to augment at such a rate as to set all existing official routine at defiance.

Australia is tempting ground to imaginative, as well as practical speculators; and it would have given us pleasure, had Captain Stokes' recent work, named among the others at the head of this article, happened to attract our notice somewhat earlier, to have introduced our readers more in detail to the narratives of adventure, and other important matters, contained in it. A separate article, indeed, might well be devoted to it. But we have already wandered even further 'south of the Straits of Singa-'pore,' than the Dutch expounders of the treaty of 1824; and must return to the mysterious Continent on some after and fitter opportunity.

Art. VII.—1. *A Hand-book for Travellers in Spain, and Readers at Home. With Notices of Spanish History.* By Richard Ford, Esq. 2 vols. 8vo. London: 1845.

2. *Revelations of Spain in* 1845. By An English Resident. (J. M. Hughes, Esq.) 2 vols. 8vo. London: 1845.

It is rare to find two works, both written by clever men well acquainted with their subject, presenting so striking a contrast as these; not merely in selection of materials and arrangement—for that was to be expected from their plans—but in tone, spirit, modes of viewing things, taste, feeling, predilections and antipathies. Mr Ford considers Spain as a great nation—Mr Hughes as a distracted and ill-governed one: Mr Ford descants on the chivalrous character of the people—Mr Hughes on their poverty and pride: Mr Ford discovers germs or relics of grandeur where Mr Hughes can see nothing but waste and ruin: in a word, Mr Ford evidently likes the Spaniards with all their faults—Mr Hughes dislikes them with all their virtues: Mr Ford would not care how soon he quitted once again the domestic comforts of England for the rambling, scrambling life he formerly led on the Peninsula; while Mr Hughes evidently prefers a beefsteak to an *olla podrida*, and brown stout in a pewter tankard to the best Xeres that ever smacked of the skin.

Yet the cause of the difference lies on the surface, and there is no more solid ground of conflict than existed between the two knights who fought about the colour of the shield. The one is an amateur artist, gifted with a quick eye for natural beauty, a memory stored with the romance as well as with the graver

facts of history, and an imagination that finds food alike in the real and the ideal—the fine site of the ruin and the battle-field, or the rich thronging associations connected with them. The other is more of the economist and calculator than the poet; he has evidently got up his history for the occasion; and whenever he exerts himself to be eloquent or grandiloquent, (see pp. 8-9,) we long to remind him of Swift's famous advice to a young writer—'Whenever you have written any thing you think particularly fine, strike it out.' But he is a good observer, and a sound thinker; and (so far as we are capable of judging) though his praise may not be invariably well directed, his indignation is always in the right place. To him, however, (except in his last chapter,) Spain is pre-eminently and essentially the land of factions and Camarillas; where patriotism is a name, liberty a byword, corruption all-pervading, and where revolution follows revolution without producing the slightest change of system, or the remotest advantage to the mass. To Mr Ford, on the contrary, it is ever, with all its demerits (and he is blind to none of them), the land of Cervantes and Lope de Vega, of Murillo and Velasquez, of the Alhambra and the Escurial—the land which sent forth Columbus to discover a new world, and Cortez and Pizarro to conquer it —the centre of that vast empire 'Spain with the Indies,' which first boasted (the boast is now transferred to England) that the sun never set upon its flag; and, according to his mode of thinking, there is ever something, even among the most unerring symptoms of disorder or decay, that redeems or compensates for the degeneracy of the nation, the neglect of the government, and the lost glories of the crown. The very robbers give a zest to a journey; and if rags abound among the peasantry, they are of the exact colours that suit the foreground of a drawing.

Yet there is no attempt to hide the unfavourable side. The scenes are described, the facts set down, with the most scrupulous accuracy. Keep away from Spain, by all means, (is Mr Ford's uniform language,) if you are not up to 'roughing it;' and cannot enjoy travelling without the certainty or a fair prospect (for there is nothing certain in this life, in or out of Spain) of a civil landlord, a well-ordered kitchen, and a comfortable bed at your halting-place; or if your nerves are apt to be shaken by the click of a knife in the dark passage of a hostelry, or the sight of a sallow-faced bandit-looking fellow unslinging a long gun on a hill-side some twenty paces from your path. But if you have strong nerves and a good stomach—if you are fond of old pictures and Gothic architecture, fishing, shooting, sketching, love-making, fandangos and fun; above all, if you have a taste for adventure, no invincible distaste for garlic,

and no great objection to be laid flat upon your face in the middle of the road while the Turpins of the South are examining your baggage — come away with me to the orange groves of Seville and the sierras of Castille; and rest assured that you will come back (if you do come back) at the end of a six months' peregrination, with such a stock of new sensations and impressions as no other country in Europe, nay, no other country in the whole world, could produce within the time.

The author of the 'Revelations' (who would not be thought matter-of-fact or unimaginative in comparison with any other author than Mr Ford) says, that the English traveller might fancy himself thrown back into a state of society such as existed in his own country four or five centuries ago; and it may fairly be doubted, whether, in some of the most essential points of civilization, the Spaniards are much further advanced than the English during the wars of the Roses; whether internal communication, for instance, is much safer or quicker than when Falstaff and company projected the expedition to Gadshill; or whether a merchant setting forth to visit a correspondent in a distant city, might not have an equal chance of finding it in a state of siege on his arrival, or of encountering a party of free lances on the way. But this makes books about a country so much the pleasanter; and both the books before us will be found very pleasant; though we are aware that, in giving this peculiar praise to a 'Hand-Book,' we subject ourselves to a comparison with that correspondent of Dr Johnson's, who tells him that he had just concluded the second perusal of his Dictionary. But the truth is, Mr Ford's 'Hand-Book' is unlike all other Hand-Books, and must be criticised on more extended principles. He has executed admirably what (with all due respect to the rest of Mr Murray's 'capital hands') we must call the less intellectual portions of his undertaking; but nature meant him for something much higher and better than a literary *laquais de place;* and his mind, filled to bursting with memories, fancies, reflections and observations, that have been accumulating for years, breaks out with a succession of flashes on topic after topic, and compels us to forget the guide and Cicerone in the lettered and accomplished gentleman, who has done us the honour to give us a seat in his Britska, or suffered us to ride alongside of him, and is kind enough to give us the advantage of his taste, observations, reading, and prior acquaintance with the country, as we proceed.

His political conclusions alone must be taken with some grains of allowance; for we see, or fancy we see, one all-per-

vading error in his premises. He invariably treats those peculiar results of bad government, which may be traced in national character and popular tendencies, as the pre-existing causes which originated it and render its continuance inevitable.

We utterly despair of conveying any thing like an accurate notion of either of these books by extracts; nor can this be necessary, for both of them have been largely quoted and recommended by our contemporaries; but it has struck us that a few pages might be usefully employed in furnishing such of our readers (no small portion we believe) as have paid only cursory attention to Spanish matters, with a summary account of the existing condition of a nation which once filled so prominent a place in European history,—a nation whose greatest struggle for independence must be recorded in one of the brightest pages of our own.

The higher graver topics—government, constitution, army, church, &c.—naturally come first. A very few pages will suffice to characterise the government, past, present, and (for a long time) to come.

The Spaniards have a story, and are found telling it, that when Ferdinand III., after his death at Seville, which he had conquered from the Infidels, was brought into communion with St Jago, he forthwith proceeded to ask favours for Spain. 'Fine climate,' says the king. 'Granted,' says the saint. 'Fertile soil, corn, wine, oil,' &c. 'Granted.' 'Brave sons 'and beautiful daughters.' 'Granted.' 'Good government.' 'No, no, no,—three times, nine times, no.—Give Spain good 'government, and every one of the angels would leave heaven 'to live in it.'

The authenticity of this anecdote is rendered questionable in our opinion, not so much by the somewhat profane familiarity of the dialogue—for this is to be found in most legendary colloquies between sacred and profane personages—as by the difficulty of supposing that the bare notion of good government ever presented itself to a Spanish King in the fourteenth century, or to any considerable number of Spaniards at any time. We are quite sure that nine-tenths of the most enlightened among them during the last twenty years, have been entirely guiltless of wishing to 'lure angels down' by such means; and it certainly does strike us, that, if the Saint had been ever so ready to grant the prayer, an overwhelming majority of the nation would have begged him to hold his hand, till they had made up their minds whether they would have a well-balanced constitution, or an absolute monarch to rule over them. The lower orders still manifest a stupid unreasoning respect for

despotism; and what they most particularly detested in the French, was their eternal talk about liberty and equality. Nay, it is said to have been a mistake in Ferdinand VII., in as far as his own popularity was concerned, to set about improving the institutions of his nation; in which he had made more progress than he has had credit for, when the French Revolution of 1830 made Kings feel once more (to borrow Lord Auchinleck's expression) that they had a creek in their necks; and, combined with the treatment he met with during the 'Constitution' of 1820, induced Ferdinand to discard liberality, moderation, and toleration for the remainder of his life. In the last stage of his career, he was guilty of some most atrocious acts of political persecution and bigotry; but these were estimated in Spain as acts of firmness, and evidences of unshaken attachment to the national faith.

'The only abstract Spanish idea,' says Mr Ford, 'of govern-
'ment or sovereignty, either in church or state, as in the East,
'is, that it is despotic, (see Durango;) even the Inquisition was
'not really unpopular, and whenever Ferdinand VII. committed
'any extra-atrocious act, his subjects exclaimed with rapture,
'*Carajo! es mucho Rey;* he is indeed a king—ay, every inch a
'king. There spoke the whole nation; for the Spaniards felt
'that in his place they would have done exactly the same, and
'therefore sympathizingly admired.' At the very moment that the English and French Newspapers were denouncing Ferdinand as the modern Nero or Caligula, he was carelessly walking about the streets of his capital, alone and unguarded, chatting and joking with his oppressed subjects, as familiarly as the King of Bavaria, whose favourite amusement is drinking beer with *his*.

Yet we are sure Mr Ford would, on reflection, agree with us, that this rather typifies the hitherto unmovable, unimprovable character of the Spanish nation, than any inherent taste for tyranny; and furnishes no argument against any rational plan for gradually liberalising their institutions. The uneducated classes in every country have invariably manifested the same coarse propensities and brute instincts at some period or other. We all remember the story of the French valet, who, when the Englishman was condoling with him on the severe caning he had just received from his master, indignantly replied, that his master was too great a man to be checked in such caprices, and could have a *lettre-de-cachet* for the asking; and it is a familiar remark, that if Louis the XVI., instead of making concessions to spare the blood of his subjects, had got on horseback, and led on his guards to sabre a few hundreds of them, he might at least have averted the personal part of the catastrophe, and perchance have rallied the best blood of the nation round

the throne. Our own bluff King Hal's horse-whip was the means of causing his sceptre to be respected; and the boxes on the ear which Queen Bess was in the habit of distributing so liberally among the ladies and gentlemen of her Court, caused her cold-blooded cruelty to Mary Queen of Scots to be disbelieved, and her constant aggressions on the liberties of the people to be tolerated. It might even be said that it is only your temporising, mild-tempered, or saint-like King, like Louis or Charles, who is beheaded; or your liberal, limited, constitutional monarch, like Louis Philippe or Queen Victoria, who is shot at, *pour encourager les autres.*

Such a state of feeling and opinion in Spain, however, may account for (nothing can excuse) the famous (or infamous) 'Durango decree' of Don Carlos, which declares that all foreigners taken in arms against him, should be put to death without more ado. The Spaniards (according to Mr Ford) thought this quite as natural and allowable as the Turks used to think the anomalous practice of sending Christian Ambassadors to the Seven Towers, on the first intimation of a war with Christendom. Remonstrances (he urges) would only have made matters worse, so long as they were not backed by the power of making immediate reprisals; and even this was a doubtful policy. Hang our man, and we will hang yours, is the word. In the East, when a plot failed, it was the genteel thing for the loser to hold out his neck for the bowstring, or put it on by way of decoration, and anticipate the visit of his successful rival's mutes by calling on him. The Spaniards carry on a contest on much the same principle; and if foreigners think proper to engage in the game, they must not expect its rules to be changed to suit their taste or convenience. 'Life is staked every day, and all parties stand the hazard of the die; those who win exacting the 'whole pound of flesh, and those who lose paying the forfeit 'as a matter of course. Mercy to a foe when down, is thought 'imbecility or treachery; the slightest forbearance, concession, 'conciliation, or hesitation, would be imputed not to kindly 'principles, but to weakness and timidity.' These modes of thinking and acting have partially endured for centuries. A French Ambassador complained to Philip II. that some Frenchmen had been detained a long time in the dungeons of the Inquisition, and requested that their cases might be disposed of without more delay: immediate orders were sent to have them burnt at the next Auto-da-Fé. Facts like this paint a government or a country, better than all the formal descriptions or disquisitions in the world. Here is another of them.

'One of the first acts of Don Carlos after entering Spain,'

exclaims a clever gentlemanlike writer, 'was to declare the 'Virgin generalissimo of the army! and to issue a Bull, pro-'cured from Gregory the XVI., wherein his soldiers are to have 'the same privileges as those conflicting the Infidels. They are 'to be excused from fasting, and may employ the feast-days in 'war.'* There is half a page more of similar absurdities, and unmeaning absurdities they are in our eyes; but they were very far from unmeaning absurdities in Spain; and when the writer talks of the document as appearing like the transcript of one from the eleventh or twelfth century, and treats it with something bordering on contempt for that reason, he forgets that the habits and modes of thinking (if it can be called thinking) of the part of the nation Don Carlos expected to lure or drag after him, had undergone as little change since the eleventh or twelfth century, as the court-suits of the attendants of the Sleeping Beauty in the Wood, during their hundred years' sleep. Their ideas on all subjects on which they have ideas, are stereotyped; and those who wish to move or lead the mass, must go straight to their prejudices. What could be more absurd, it might be asked, than Napoleon's allusion to the pyramids in his address at Alexandria—'Forty 'centuries look down upon you?' &c. What could common soldiers know or care about Sesostris or his monuments? and how much more to the point was Nelson's 'England expects 'every man to do his duty;' or the pithy address of the Duke to a shattered square,—'What will they say at home if we are 'beat?' Yet the effect of Napoleon's addresses was magical; and the most effective thing about them was their Ossianic magniloquence and bombast. Just so Don Carlos, addressing bigots, proclaimed and promised bigotry; and neither the proclamation nor the promise was the less effective because it was known that they were made in good earnest. To the best of our recollection, the permission to fight on feast-days was not suffered to become a dead letter by his partisans.

While on this subject, we may as well explain, that in the opinion of Mr Ford, Don Carlos was not a bad Prince for a Spanish Prince, and bore a stronger resemblance to our James II. (who had a conscience) than any other of the so-called tyrants who have been named in comparison with him. This defence is not much better than that of the frail fair one in the play, who observed that, barring a weakness for liquor and the men, she defied any one to impeach her reputation or morality. But Mr Ford would say that he is not discussing virtue and

* *Spain and the Spaniards,* by Captain S. E. Widdrington, R. N. Vol. ii. p. 20.

vice in the abstract; and that there is a mighty difference between a despot whose despotism falls in with the prejudices of a party, and one in whom such qualities excite no feeling but disgust. He contends, too, that Don Carlos was a very ill-used man at the commencement; for instead of being set aside (like James II. or Charles X.) by the voice of his people, he was simply set aside by his brother from weakness or caprice.

'Ferdinand VII., September 18, 1832, revoked the decree by which he had abolished the Salic law, and declared his daughter Isabel, born October 10, 1830, to be heiress to the crown, an act which cursed his ever ill-fated country with civil wars and a disputed succession. The secret history is as follows:—Don Carlos, his brother and heir-presumptive, was married to a Portuguese princess, between whom and her sister La Bura, a deadly palace war was waged by Carlota, the wife of Don Francisco de Paula, a younger brother of the King, a man of more good nature than sense, and completely ruled by his intriguing consort. When Ferdinand married Christina, the Neapolitan coterie gained so much on the Portuguese one, that on the Queen's pregnancy being declared, she induced Tadeo Calomarde, the minister of justice, to suggest this change to the uxorious King, and the decree was smuggled through the royal closet without the knowledge of the other ministers: thus Ferdinand deprived his brother Carlos of his birthright, that brother who had been the friend of his youth, and the companion of his French captivity, and who had refused in 1827 to assist in his dethronement.

'In the autumn of 1832 Ferdinand fell dangerously ill in this same palace, and his death, during an attack of lethargy, was actually announced to the Emperor of Russia by Monsieur D'Oubiel his plenipotentiary. The succession of Carlos was then quite certain; his reign might indeed have been leaden, and that of a King Log, but it would have been one of slow yet certain improvement; for all the nonsense about his restoring the Inquisition, &c., was a thing of unscrupulous party tirade. Carlos, although devoid of common talent, and fitter to lose than win a crown, was at least a man of honour and principle, rare qualities in a Spanish court. Christina at this crisis had no party whatever, and she herself drew up a revocation of the decree, which was signed September 18 by the guided hand of the unconscious testator: this second act was managed by the royal confessor and Alaidia, the principal mover being Calomarde, who now undid his former work, in his terror at the certain vengeance which the Portuguese faction would have taken; and Antonini, the Neapolitan ambassador, confirmed his statement, and urged Christina to save herself. Ferdinand two days afterwards recovered by a miracle, for Carlos had not caused him to be smothered as Tiberius was. Carlota, who was at Seville, on hearing of the revocation, hurried back day and night, and welcomed Calomarde with blows and Billingsgate. As the King regained strength, the Queen recovered courage, until, on October 31, the revocation was revoked, Christina throwing the whole blame of the past on Calomarde; who was forthwith turned out of office and Spain. The King, still weak, now delegated his

authority to his wife, who had nursed him most tenderly; and she instantly created a party by displacing all ultra Royalists and Carlists, or by substituting men favourable to moderate reforms. Ferdinand died September 29, 1833; then ensued the terrible civil wars which have rent and impoverished poor Spain.

The number of revolutions that have occurred since Ferdinand's death is positively startling; and the changes of ministry during every temporary settlement of what is nicknamed the Constitution, keep pace with them. No less than nine changes of ministry took place in one year (May 1843 to May 1844); so that any traveller who, twenty-four hours after his departure from the seat of rule, should venture to say who was Premier at the moment, would find himself in much the same condition as Dr Wolff, who nearly lost his life, because he could not make his Majesty of Bokhara comprehend how the whole of the English viziers (the Whigs) could have been replaced by a new set since Captain Conolly gave him the list. At the present moment (June 10th, 1846) we believe the Spanish cabinet to be composed as follows:—Don Javier de Isturiz, President of the Council of State, and Minister for Foreign Affairs; Mon, Minister of Finance; Pidal, Interior; Sanz, War; Caneza, Justice; Armero, Marine. Their principles are *Moderado*, but this is far from implying moderate. Some of the most uncompromising measures during the last twenty years have been attempted or carried into effect by Moderados, though we do not say that their measures were unwise for that reason.

Christina, who seized the reins as regent so soon as Ferdinand had fairly breathed his last, began by publishing a manifesto of her intention to govern according to the principles of her deceased lord; but either the principles, or her apprehended interpretation of them, did not suit the Basque provinces, who forthwith declared for Don Carlos,—partly from loyal and religious feelings, and partly from the inroad on their privileges (*fueros*) which they supposed the Queen to meditate. Had Zumalacarregui been let alone, and lived a little longer, or had the English sailors under Lord John Hay not come to the assistance of the Christinos, it is not improbable that the regular male dynasty might have been re-established for a season, and the little that has been done in the right direction undone; but the guerilla chief was forced into precisely the same false step as Lord Peterborough during the War of the Succession, when compelled by the Archduke Charles to besiege Barcelona instead of pushing on for the capital.

By the express command of Don Carlos, Zumalacarregui assailed Bilboa instead of taking advantage of the *prestige* of

his victories to march straight to Madrid,—got wounded in the leg during the assault, and died a victim to the ignorance of the Basque surgeons a few days afterwards. His death produced much the same effect on the cause of absolutism and bigotry as that of the gallant Dundee at Killicrankie; and a curious parallel might be drawn between the two in the manner of Plutarch.

Don Carlos' chance was at an end for that time, and Christina had every thing her own way again; till, at the suggestion of her French advisers, she attempted a general centralisation of authority. The people of Spain almost every where elect their own Alcades or local magistrates, and regulate the local taxes and other burdens, such as the conscription, for themselves. There is nothing of which they are more tenacious than these municipal privileges—and very wisely and fortunately; for their only security against direct oppression, as well as their best hope of future regeneration, are to be found in these. Local administration is the best possible school for embryo politicians; and Dumont traces much of the confusion and absurdity into which the National Assembly fell, to the want of those habits and knowledge of business which are acquired from attending vestries and public meetings in England. An historical novel has just been published by M. Scribe, in which the plot, laid in the fourteenth century, turns on the resistance of the Spaniards to an attempted invasion of some of these very privileges; and at the end of nearly 500 years, an outburst of the same spirit was again threatening to upset a dynasty. Christina took refuge in France; and the star of Espartero rose into the ascendant; but he was too liberal and constitutional, too humane and honest, for his countrymen; he could not make up his mind to shed 'oceans of vile black blood,'—Narvaez's recipe for obtaining or retaining power: he had all the disadvantages resulting from the English alliance, with little if any of its advantages, for Sir Robert Peel's government morally abandoned him; and 'thus,' says Mr Ford, 'Guizot, a 'Protestant and prime minister of a *roi citoyen*, succeeded, with 'the cry of civil and religious liberty in their mouths, in again 'effecting the restoration of despotism and ultra-Romanism.' As to Espartero, little more can be said in his favour than that he meant well—poor praise for a man who aspires to rule a distracted country; but there is no denying that the ex-regent was always found wanting in energy at the moment requiring it, and, some time before he fell, had passed (justly or unjustly) in popular parlance, from a Duque *de Victoria* into a Duque *de Nada*, a nothing or nobody.

It must be owned, however, that his fall was in a great measure

attributable to the unpopularity of the English, who were supposed to have had nothing but their own commercial interest in view from the commencement; which commercial interest (it was positively stated by his opponents) was to be served by a treaty giving our manufacturers a monopoly. The Spanish jealousy on this head is of long standing; and the old story about the destruction of the Madrid porcelain manufactory, still received with implicit credence, is the proof. In point of fact, it was the French who broke up the establishment, and converted the building into a fortification, which was blown up by Lord Hill in 1812, when he evacuated the capital. But the Spaniards perseveringly assert, and probably believe by this time, that *La China* was destroyed by the English from jealousy. 'What can be done,' as the Duke said, 'with such 'trifles, but despise them? There is no end of the calumnies 'against me and the army, and I should have no time to do any 'thing else if I were to begin either to refute or even to notice 'them.' These jealousies and prejudices are industriously fostered by the French, and our clever minister (Mr Bulwer) has enough to do to watch their proceedings; but it would be difficult to select a better man for the purpose, trained as he has been in the focus of European intrigue (Paris), with an occasional lesson in the Lieven school of diplomacy. For the present, however, he can do little more than watch, nor would it be prudent to interfere in any manner, or show the least anxiety for a new tariff. Nothing is ever got from a Spaniard by conciliation, which he deems an unerring sign of weakness. Here, again, we might appeal to the Duke, who dwells emphatically on the necessity of being always positive, and sometimes frightening them.

Mr Ford says it would be as absurd for the Spaniards to adopt our House of Commons as for us to adopt their bull-fight; and considering their very short and limited acquaintance with legislative assemblies, it would be little less than a miracle if they shone in them. The very name of Cortes grew into such disfavour during the French revolutionary war, that it was sunk in framing the constitution of 1837. The chamber of peers was called a senate, the chamber of deputies a congress. They meant to copy the United States, but knew so little of their model as to be ignorant that congress includes both chambers. In one particular, the imitation is complete,—the speeches are immeasurably long; and in the debate on the Olozaga affair, to be presently mentioned, the leading orators, Olozaga, Martinez de la Rosa, Lopez, Murillo, and Cortina, spoke at least two days each.

According to Mr Hughes, the most popular orator of the

Spanish Chambers is Lopez, and he is also one of the honestest men; for, after being three times an influential member of the cabinet, he has obtained neither permanent office, title, fortune, or so much as a decoration for himself; and on retiring from the Provisional Government, he tapped his head in the chamber and said truly, 'Behold the only patrimony 'of my children!' He is a member of the Spanish bar. So is, or was, Olozaga; and from Mr Hughes' description of them, we should say that, whether the popular prejudice against the public speaking of lawyers (which we once took occasion to combat) be or be not well founded in England, there is clearly no pretence for it in Spain; nor, we believe, in any other country which boasts a deliberative assembly and full liberty of speech; witness Calhoun and Webster in the United States—Berryer, Odillon Barrot, Mauguin, Dupin, and others, in France.

A-propos of Olozaga's famous attempt, or alleged attempt, to force his former pupil, the young Queen, to sign a decree for the dissolution of the chambers, Mr Hughes introduces a complete history of the Camarilla; but we can discover nothing peculiar to Spain in the invention. Was there ever a Monarchy under which the Monarch had any real power, where the same sort of influence behind and greater than the throne was not almost uniformly at work? Take two of the brightest periods of English history, the chivalrous age of Elizabeth and the Augustan age of Anne. Were not Leicester and Essex by turns the chiefs of Elizabeth's Camarilla, and did not Mrs Masham succeed the Duchess of Marlborough in Queen Anne's? We strongly suspect that her present Majesty of England is the only female sovereign of any period who never indulged in favouritism. The young Queen of Spain, who, for party purposes, was declared to have attained her majority before she was thirteen, fell necessarily under the influence of her mother, and the attendants that mother chose to place about her. The Marquesa de Santa Cruz and the Marquesa de Valverde were the female members of the Camarilla which planned the ruin of Olozago, after vainly endeavouring to drive him to resign by a succession of personal affronts and indignities. On one of these occasions, when he and the leading members of his cabinet came to the Palace to dine by invitation with the Queen, they were told by the servants that no dinner had been prepared for them. Olozaga calmly replied that they did not come to eat, but to pay their homage to their sovereign, and should be quite content to be allowed the honour of a seat at the royal table while the Queen was dining. Upon this, a sumptuous banquet (giving the lie to the alleged want of preparation) was served up.

More decided measures were forthwith resolved upon, and the grand plot was cunningly prepared. To guard against eavesdroppers, Olozaga was in the habit of closing the doors carefully during his private audiences; and it is just possible that his tone may have been peremptory or impatient in addressing a child who had been under his own tutelage. This probably suggested the charge of *leze majesté* contained in the Queen's declaration, taken down in writing before a full conclave of Notabilities:

'On the night of the 28th of the month last past, Olozaga presented himself before me, and proposed to me that I should sign the decree of dissolution of the Cortes. I answered that I did not like to sign it, having this among other reasons, that these Cortes had declared me of age. Olozaga insisted; I again refused to sign the said decree, I rose, directing myself towards the door, which is to the left of my table for dispatch of business. Olozaga placed himself before me, and fastened the bolt in that door; I directed myself towards the door in front, and Olozaga again placed himself before me, and fastened the bolt of that door. He caught hold of my dress, and obliged me to sit down. He seized my hand and forced me to sign. After this he left, and I retired to my apartment.'

Her Majesty's demeanour when parting with Olozaga, (to whom she gave her usual present of sweetmeats,) and the circumstantial evidence generally, caused the accusation to be discredited by all impartial persons from the first; and he was nobly supported by Lopez and many others politically opposed to him, who felt that justice was paramount to all other considerations in such a crisis. Olozaga himself conducted his defence with consummate tact; and at length boldly assailed the grand dogma of Royal infallibility, on which the Camarilla placed their main dependence:—'Is it judgment you want, or 'is it sacrifice? Is it truth or base intrigue? Let Senores 'opposite desire what they may, be their opinions what they 'will, if they come to tell us in these better times that the word 'of the Queen is to be believed without question, I answer, *no*. 'There is either a charge, or there is none. If there be, that 'word is a testimony, like any other, and to that testimony I 'oppose mine.'

Lopez supported him in a style which reminds us of Burke's famous call for justice, on Hastings' trial. 'When all nature,' said the English orator, 'kings and judges themselves, shall answer 'for their actions, there will be found, what supersedes creation 'itself, namely, eternal justice. It was the attribute of the Great 'God of nature before worlds were; it will reside with him when 'they perish; and the earthly portion of it, committed to your 'care, is now solemnly deposited in your hands by the Commons

'of England.'—'If Queens,' exclaimed his Spanish, probably unconscious, imitator, 'are interesting, beloved, sacred, there is 'another and yet more sacred Queen, the daughter of Heaven, 'the sister of Time, the companion of Eternity; the only resource 'and consolation of distress, the only shield of innocence—*Truth*, 'Senores; to whom, since I was born, I have paid my worship— 'to whom I will pay it till I die; and when I fix my eyes upon 'her, all other objects disappear."

The debate lasted seventeen days, and ended in a respectful message to her Majesty. This result was regarded as a virtual acquittal of Olozaga; and the threatened proceedings against him were abandoned.

The other party leaders are so graphically sketched by Mr Hughes, that we cannot do better than copy his portraits of them:

'Don Francisco Martinez de la Rosa may be said to be the personification of the Moderado party, of which he is by far the most illustrious member. His high literary reputation, his well-established European fame, make all Spaniards proud of him, and his is the rare fortune to have soared above the reach of jealousies. His excellent and classical tragedies display the same qualities of mind which shine in his parliamentary oratory—refined and severe taste, lucid and methodical arrangement, great clearness of statement, well-chosen not redundant ornaments; occasional but most felicitous illustrations.

'His eminent characteristic is correctness;—correctness in his views—correctness in his language—correctness in his life—correctness in his deportment; and his eloquence has but one fault, that it is too elaborately correct. He is, unmistakeably, an honourable man and a gentleman; and these qualities, not over-abundant amongst those who surround him, are the more beneficial to his personal influence, because the more conspicuous. He is a good logician, and he is likewise an accomplished sophist; preferring the former weapons when the case will admit of his using them, but not despising the latter when he is hard pressed. Surrounded by such an atmosphere—exposed to such unscrupulous assaults—it is hard to forego even equivocal means of triumph; it were idle to look for a perfect man in Spain. Martinez de la Rosa is a native of Granada, and another proof that the most brilliant geniuses of Spain and France are from the south. He is one of the representatives of Madrid. Isturiz,* next in importance as a Moderado leader, is also from the south, being a native of Cadiz, which was likewise the birthplace of Mendizabal.

'Don Manuel Cortina, the parliamentary leader of the less 'exalted' Progresistas, is a man of great tact and sagacity, of grave and mature judgment, of powerful argumentative eloquence. He has been extremely steady and consistent as a politician, more firm than decorative, more

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* The present President of the Council.

logical than brilliant, but withal a very pleasing speaker; in exposition most clear and masterly; and one who, perhaps, more than any other, has secured and retained the confidence of the bulk of the nation. Senor Cortina, like most of the eminent men of Spain, is a native of the south, and represents the province of Seville in the congress. Don Manuel Cautero, another very prominent leader of the same party, is one of the representatives of Madrid. The leading men are invariably returned for two or more provinces, and make election of whichever they please; for the most part preferring those of which they are natives, or with which they are allied by close political relations. The rich Marquis de Casa-Irujo represents Cordova, where he has much property; and the aristocratic radical, Count de las Navas, who plagues successive ministries with exaggerated *interpelaciones*, is a representative of Salamanca. It was well said by Cortina, in the affair of Olozaga, that the question was not between an individual and the sovereign, but between Dona Isabel and the constitutional queen of Spain. Cortina is an active bright-eyed little man, and is commonly called El Sevillanito, or "the little Sevillian."

'The leader of the Republican party in the Congress is Senor Aiguals de Izco, a large-bearded, wide-breechesed man, something like our own Muntz in appearance and politics. His tone of voice, however, is more sepulchral, more like that of a true Capuchino, or Franciscan friar of the most rigid school. I believe much of Izco's gravity to be affected, and his general manner assumed, by way of attracting personal notice, and selling the journal *Guindilea*, of which he is editor and proprietor. He represents the extreme left, as Cortina represents that part of it which is next the centre, or *Young Spain.*

'This latter party consists of about thirty Moderados and twenty Progresistas, for the most part young men, who stick marvellously well together, and hold in their hands the balance of the Cortes. They look on while the older members of the assembly contend, pronouncing judgment, and reversing the order of the world by which the old passed sentence on the young. That their vigorous and flaming ardour should have superseded the ancient Moderados as it has done, is just what might have been expected; and to make good the general system, the head of of this party was a premier and late an editor—the sarcastic man of the *Guirijay.*'

The gentleman in question is Don Luis Gonzalez Bravo, ex-editor of *El Guirijay*, (*The Slang,*) a paper which more nearly resembled *The Age*, or *The Satirist*, than the *Charivari*, or *Punch.* It dealt freely in the most scandalous kind of personalities; and, in particular, was most annoyingly inquisitive regarding the Queen-Regent's connexion with Munoz. His talent for sarcasm proved as effective in debate as in his newspaper; and he was daily gaining rank as a speaker, when a caprice of fortune forced him upwards into a position for which he proved radically unfit. *Capax imperii nisi imperâsset.* He broke down miserably, was found utterly wanting in resources, and at length,

driven to the audacity of desperation, declared in the Chamber that he would answer no more questions; and told the Moderado leaders when they consulted him as to his future plan of government—'I mean to organize the country by degrees, and afterwards to ask the Cortes for a bill of indemnity.' He and Narvaez (whose tool he was) brought the country between them to the very verge of revolt; till the universal sense of his unfitness compelled his patron to give him up, and the brief endurance of his ministry is now cited as one of the crowning proofs of the degradation of the country.

The rise of the editor of a slang newspaper to be Prime Minister, naturally leads to an inquiry regarding the condition of the Press. Well may Mr Ford call Spain the land of contradictions. Its newspaper press is in one sense higher, in another lower, than in any other country in the world. Persons of the highest rank write in it, and often act as editors; yet almost every paper indulges in private scandal, and may be bribed. Its power seems unlimited, its license is quite frightful; yet securities are exacted; there exists a strong censorship; and so far are the temporary despots of Spain from considering the editorial character sacred, that two editors were recently shipped off to the Philippines by the mere arbitrary mandate of Narvaez; and in certain cases, the trial of newspaper offences is withdrawn, by the terms of the Constitution, from the ordinary tribunals.

Franklin used to say that he had no objection to the liberty of the press, provided the liberty of the cudgel went alongst with it. The Spaniards have turned this suggestion to good account. When the attack is more than ordinarily exasperating, the injured party takes the law into his own hands, gets his friends together, makes a regular onslaught on the establishment, and cleans it out. The types are scattered about the streets, and a bonfire made of the papers and combustible property. Mr Hughes describes an affair of this kind at Cadiz, in which both assailants and defenders were armed to the teeth, and exchanged eight or ten shots; though, as usual in Spanish skirmishings, no serious damage was done except to the stock in trade. 'This sort of holocaust,' he adds, 'is now a regular spectacle, *which tourists should not miss.*' The *Eco des Comercio* is, or recently was, the leading newspaper—the *Times*, the *Journal des Debats*, or *Allgemeine Zeitung*, of Spain. Its politics were strong *anti-Christino.*

The modern literature of Spain is sadly vitiated through the operation of the same causes as the newspaper press. A Spaniard hates any thing that gives trouble or requires attention; and the Castilian proverb says, *Despues de comer, no mismo un sobreescrito leer:* ('after dinner you should

not read even the superscription of a letter.') Readers thus disposed (or thus indisposed) are only to be roused by strong excitement, and neither sonnet, play, nor poem has much chance of extended popularity without a seasoning of politics and personality. The prize poem on the siege of Seville, read November 1843, at the Lyceum of Madrid, in the presence of the Queen, was a versified tirade against Espartero, who is called murderer, tyrant, coward, traitor, and 'no gentleman,' in the course of it. Among the few living authors who have not desecrated literature, or entirely given up to party, or worse than party, what was meant for mankind, Martinez de la Rosa, as already mentioned, stands conspicuous; and honourable mention might be also made of Dons Eusebio and Eduardo Asquerino, and Don José Zorilla, in the dramatic line. Spain also boasts, what no other country can boast, a novelist of ducal rank, the Duke de Rivas; but, in estimating titles, we should bear in mind the following remarks of Mr Ford:

'In estimating ducal titles on the other side of the British Channel, the safe rule will be to adopt the meaning attached to other conventional words. Take, for example, the phrase "worth a million;" that signifies, in England, of pounds sterling; in France, of francs (9½d.); and in Spain, where the bathos is complete, reales, of which one hundred go to our pound; and so with dukes, which Ferdinand and his successors made by the dozen, and Buonaparte and the Bourbons by scores at a time; while England, the unconquered by sea or land, only created two in a century and a half—Marlborough and Wellington. So Nelson, who triumphed at the Nile, died a viscount; while M. Decres, who was beaten there, and fled, lived to be a *Duc et Pair*.'

Mr Ford's description of a Spanish bookseller (p. 138) is quite decisive of the intellectual apathy of Spain. 'He scarcely 'notices the stranger's entrance; neither knows what books he 'has, or what he has not got; he has no catalogue, and will 'scarcely reach out his arm to take down any book which is 'pointed out; he never has any thing which is published by 'another bookseller, and will not send for it for you, nor always 'even tell you where it may be had.' The literary productions of foreign growth most in vogue are the French novelists, Scott, and Bulwer—of course in translation; for it is rare to find an untravelled Spaniard familiar with any language but his own. The fashion of publishing in parts, or numbers, has reached Spain, and the puffing system is in full vigour there. One publication, still we believe in progress, is entitled 'Celebrated Personages 'of the Nineteenth Century:' and the following is the order adopted—Louis Philippe, Charles the Tenth of France, Queen Christina, the Duke of Wellington, and Abd-el-Kader.

It is hardly necessary to state, that all the regular establishments of the country are in the worst possible condition as regards organization, subordination, and efficiency. The army, nearly doubled by Narvaez, and now supposed to exceed 100,000 men, is managed much on the same principle as the Prætorian bands at Rome. *Coute qui coute*, they must be kept in good-humour; and appeals are made to them on every occurrence of importance. In case of invasion, however, an army of a widely different character might be improvised at a moment's warning from the peasantry, not one of whom is to be found without his gun; and the individual bravery of the Spaniard was never questioned; though, since the days of their famous infantry, their regular battalions have never figured to much advantage in the field.

The Spanish Church was formerly the richest in Europe; it is now the poorest. The revenue allotted on the confiscation of its property in 1835, looks well enough on paper, but not half of it is ever paid at all, and what is paid is generally in arrear. The enforcing of the tax devolves on the local elective magistrate, (the alcade,) who cannot be expected to risk the favour of his constituents by an unpopular levy; and the consequence is, that the clergy have little to depend upon but the voluntary principle. Yet, unless Christina and Carlos equally mistake the spirit of the people, that spirit is little altered since the days of Alva, and superstition is as rife as ever in the mass. Carlos's proclamation on entering Spain has been already mentioned; and Christina on her return from France thought it politic to make an equally remarkable display of saint-worship and genuflexion. 'A river,' says Mr Hughes, in allusion to the fashion set by her in this respect, 'overflowed its banks, and relics were 'brought forth and paraded with great pomp to make the rebel-'lious waters retire. A drought occurred at Seville, and relics 'were again carried forth to bring the rebellious waters from the 'clouds.' Hints have even been dropped from time to time of a project, favoured by the Moderado party, for a partial restitution to the church; but this seems hopeless, and after such a lapse of time, would be unjust to the present holders of the property. The utmost the clergy can expect is the regular payment of their allotted income. The expelled monks are called *exclaustrados*. Mr Hughes describes one of these, a Dominican of noble blood, as one of the most interesting old men he had ever met; adding, 'his stated allowance from the government was 'about £20 a-year, and he received less than £10!'

There is a branch of revenue still more irregularly paid,—the import duties; and the contrabandists, or smugglers, form a recognised class, a regular estate, in Spain. They are counted

by hundreds of thousands; they muster in detachments; they evade the custom-house officers, when they are not obliged to go much out of their way to pay this formal respect to authority; but, if the coast is dangerous and the cargo worth fighting for, they boldly storm the barrier. Instances are mentioned in which three or four hundred smugglers have engaged in pitched battles with a superior number of regular troops, and defeated them. As for bribery, it is systematised, and the tariff of corruption is better understood than any other tariff. It need hardly be added, that the contraband interest is very powerful, and virtually opposed to any kind of commercial treaty which should have the reduction of duties for its object.

Smuggling is reckoned a respectable profession, to which a son or nephew may be brought up. One kind of lawlessness, however, leads to another, and both the contrabandist and the guerilla soldier occasionally turn bandit. Let Mr Ford palliate the matter as he will, by talking of Spain being merely what England was sixty years ago, with Hounslow Heath and Finchley Common, it is plain that the country is infested by robbers to an almost unprecedented extent; and that, to find a parallel period, we must go back, not sixty years, but six hundred—to the times of De Bracy's free lances, and Robin Hood's foresters. One robber-chief, called the Andalusian Abd-el-Kader, (the Arab would not be flattered by the comparison,) has been frequently at the head of five hundred men; and one of his most famous exploits—the caning of a respectable physician until he signed an order for 5000 ducats—is pretty nearly on a par with the meditated roasting of Isaac in 'Front-de-Bœuf's' castle. Mr Ford's precautionary hints are far from inspiring confidence. He recommends the traveller to have a showy watch, and a decent sum of money about him, or the robbers may deem themselves defrauded of their just dues, and use violence: thus—'An Englishman will do well, when travelling in exposed districts, to be provided with a bag containing fifty to one hundred dollars, which makes a handsome purse, feels heavy in the hand, and is that sort of amount which the Spanish brigand thinks a native of this proverbially rich country ought to have with him on his travels.' For coach passengers to carry pistols is an absurdity, as the attack is always made with overwhelming numbers; but we are assured that three or four mounted Englishmen, armed with double-barrelled guns, *and riding in single file*, may traverse most districts unchallenged; for the Spanish robber, like a tiger or an Indian warrior, never fairly confronts an adversary, and shrinks back into his ambush when foiled in an opportunity to spring unperceived upon his prey. It ought

to be added, that during the rifling of the luggage, (an operation which may last an hour or two,) all the passengers are laid flat on their faces in the road.

Mr Ford has a decided taste for pictures and women, and discusses both *con amore.* One of the most curious anecdotes he has recorded regarding Spanish paintings is, that the peculiar brown of Murillo and Velasquez was compounded by these great artists from the burnt bones of their *olla.* One of the most remarkable traits he mentions regarding Spanish women is the practice, prevalent in Seville and Madrid, of wearing a knife in the garter, for the defence of honour and the revenge of inconstancy; an act of rudeness being instantly rewarded with a stab, and a lover's fickleness by a slash across the face.

We are sorry we cannot find room for the whole of the animated description of the fandango, (p. 187,) but we must quote the end of it:—

'It carries all before it. There is a truth which overpowers the fastidious judgment. Away, then, with the studied grace of the French danseuse, beautiful but artificial, cold and selfish as is the flicker of her love, compared to the real impassioned *abandon* of the daughters of the south. There is nothing indecent in this dance; no one is tired or the worse for it. "Un ballet ne saurait être trop long, pourvu que la morale soit bonne, et la metaphysique bien entendue," says Molière. The jealous Toledan clergy once wished to put the Bolero down, on the pretence of immorality. The dancers were allowed in evidence to "give a view" to the court; when they began, the bench and bar showed symptoms of restlessness, and at last, casting aside gowns and briefs, joined, as if tarantula bitten, in the irresistible capering. Verdict for the defendants with costs: *solvuntur risu tabulæ.*'

We are loth to go back to politics, but we may just mention that the grand question at the present time, one really of vital importance to the country, is the marriage of the young queen. Louis Philippe wants her for his son the Duc d'Aumale; and the boast which Louis the Fourteenth vainly promulgated at Versailles, *Il n'y a plus de Pyrenées,* is on the point of being revived at the Tuileries; but the barrier of rock and snow remains unaltered; and when the French have passed it, they will find a still more impracticable barrier, the deep-rooted antipathy of an entire nation, to break down. The hatred of a Frenchman (said the Duke) forms part of a Spaniard's nature. We do not believe, therefore, that the French interest will ever be popular, but it may influence, greatly to the detriment of English commerce, all or any of the mushroom governments or governing factions that are constantly springing up, to wither like the gourd of the Prophet, and should therefore be steadily watched.

As for the future prospects of Spain, he must be a bold man who should attempt to speculate upon them: and when we mourn over the degradation of the Spanish nation, we must not forget that the bulk of them possess an abundant portion of material enjoyments, and are little disturbed by circumstances or reflections which harrass or oppress the more high-minded and intellectual among their countrymen. 'They may 'not have carpets, votes, trial by jury, beef, beer, breeches, '*Punch* and the *Examiner*, (says Mr Ford,) but they have wine, 'grapes, melons, ices, songs, dances, and the guitar; love, fans, 'and melodramas in churches gratis, and they are happy.'

They are more than happy, they are proud. Adam, they say, had permission a few years ago to revisit the globe. He alighted in Italy, and was quite lost, every thing being so changed; he proceeded to Germany and France, and recognised nothing; crossed over to England, and felt still more abroad; but on reaching Spain he clapped his hands: 'Ah! ah! Here I am 'quite at home; it is just like the garden of Eden when I left 'it.' A Spaniard, before whom an Englishman was rather mockingly relating the story, drew himself up, and observed very gravely—'Yes, sir, and he was right, for Spain *is* Paradise.'

Art. VIII.—1. *S. Clementis Romani, S. Ignatii, S. Polycarpi, Patrum Apostolicorum, quæ supersunt: accedunt S. Ignatii et S. Polycarpi martyria; ad fidem codicum recensuit, adnotationibus variorum et suis illustravit, indicibus instruxit,* Gulielmus Jacobson, A.M., Aulæ B. Mariæ Magdalenæ, Vice-Principalis Collegii Exon. nuper socius. 2 vols. 8vo. Oxon: 1840.

2. *Easy Lessons on the Evidences of Christianity.* 12mo. London: 1838.

3. *Lives of the English Saints.* Nos. I–XII. 12mo. London: 1845.

4. *An Essay on the Development of Christian Doctrine.* By J. H. Newman. 8vo. London: 1845.

It has been observed by a contemporary writer, that the present is an age 'destitute of faith, yet dreading scepticism;' and if by 'faith' be meant a well-founded and rational belief, and by 'scepticism' the outward avowal of disbelief, then there is doubtless much truth in the remark. We may certainly discover the manifestations of such characteristics, (the one, in fact, a not

unnatural consequence of the other,) in much of the prevalent language and tone of sentiment on religious and theological subjects; especially in reference to those questions so much agitated at the present time relative to what is called 'Christian 'Antiquity.'

It is certainly a remarkable feature in these controversies, that so many take an interest in them, which could not have been expected from the nature of the subjects, at least if taken merely in the meaning and bearing which they *externally* exhibit. But a little reflection will soon satisfy the candid enquirer, that when the real nature of these questions is accurately studied, they are found to disclose a relation to deeper enquiries than outward appearance would at first sight lead us to suspect.

While, at the present day, any offensive obtrusion of avowed disbelief has almost wholly disappeared, at least among the better educated classes of society, and the more respectable order of writers; yet in some discussions presenting exterior features and claims to notice of a widely different kind, we cannot but trace indications of modes of thought which seem nearly allied to the speculations of scepticism; and, especially under a seeming devotion to ecclesiastical antiquity, and the maintenance of certain forms and dogmas, a closer examination may often discover the influence of principles involving the security of the foundations of all religion.

In a religion claiming to be *true*, professing to trace its origin in historical events, and connecting itself with tangible facts, as it must be supposed that the grounds of these claims would be of a kind prominently distinguishable, and unambiguous in their character; so it might be expected that they would always be held forth by the disciples and advocates of the faith, and that the study of them would be the first object of attention, as well with consistent believers as with candid enquirers of every class. Yet the profession of Christianity in the world, especially at the present day, commonly presents an instance of a very opposite kind. The distinctive grounds on which the alleged revelation is accepted, and the precise nature of its claims, are among the points least generally attended to. And while the many adopt, without thought or enquiry, the prevalent creed, those who feel the deepest interest in such subjects, and insist most strongly on high and mysterious points of doctrine, are too ready to overlook or despise the study of the grounds on which all belief must rest. In fact, comparatively few think it necessary, or even perhaps right, to examine critically into the evidence and nature of the faith they profess; and not a few systematically discard all such enquiries, and avowedly found their

belief on considerations quite foreign to those of rational conviction; or, in other words, do not acknowledge its real dependence on any reasonable principles or substantial evidence.

All parties of professed adherents to the Christian religion, doubtless agree in upholding it as a positive divine revelation, even if, possibly, with some variety of meaning; and by most it would perhaps be further regarded as in some sense peculiarly contained in the Bible. Yet not only are the more particular views adopted, as to the nature and claims of Scripture, extremely various; but with too many so vague, fluctuating, and inconsistent, as to afford little ground for substantial reliance, or distinct formation of opinions. So that few, perhaps, perceive how close is the relation between the views entertained as to the authority of the Bible, and that spirit of recurring to the records of the earlier times of Christianity, which is now so much insisted on;—that disposition, so strongly inculcated by some theologians, to attach a high and peculiar importance to the writings of the Fathers, the tenets and formularies of the Primitive Church, and to connect the doctrines and practices of Christianity in all ages, in a close union with what is termed 'the teach-'ing of Catholic antiquity.'

But, without at present referring to any particular views or tenets which may be supported by the writings of the Fathers, it will be perceived generally, that the study of Christian antiquity brings us directly to the connecting point between the institutions of the Church, and articles of faith, as settled into a definite system in the first centuries of its existence—and the history of the first planting, the claims of the first founders, and the authenticity of the original records of the Gospel—to which so distinct and paramount an authority has been assigned, and for which evidences of a peculiar divine character have been, at least, usually considered adducible. Here, then, if there be that unity and continuity of system for which some contend, the most material considerations respecting those evidences must arise. The claims of the Fathers, especially of the earliest or Apostolic Fathers, must, in this point of view, be intimately associated with those of the Apostles; the records and doctrines of the Church with those of the Bible.

Here we may take occasion to commend to such of our readers as may be desirous of forming a competent judgment for themselves, of the tenor and value of the earliest ecclesiastical remains, after the New Testament,—the excellent edition of the *Patres Apostolici*, printed at Oxford, under the learned and able Editorship of Mr Jacobson. In the convenient compass of two octavo volumes, the text of all the genuine remains

of the immediate successors of the Apostles has been faithfully collected, and illustrated with ample critical notices, both of the MSS. of the various previous editions—and what is known of the writers—together with a selection of the best comments from various sources, and, finally, copious indices. Neither our present object nor our necessary limits allow us to enter upon details of this nature; but we cannot avoid this passing notice of so important an accession to the means of conducting the important study to which our argument refers. A slight examination of these records themselves, will do more to convey correct ideas of Christian Antiquity, and to place in vivid contrast to the mind of the reader, the character of its teaching, with that of the New Testament, than the most elaborate discussion could, without such examination.

It will not be necessary here to advert more particularly to that peculiar theological system, grounded upon principles closely allied to those at which we have glanced—which at the present day has become so extensively prevalent—and which, recent events have proved to be absolutely one in spirit and principle with Romanism. Universally discussed, as it has been, it has been taken up too much as a party question. It presents features well calculated to afford matter of excitement to the many, but upon which we have no purpose to enter on the present occasion. The more thoughtful enquirer will rather look to the far more material questions really involved; and whilst the many are content to rush into the conflict about rites and dogmas—those who perceive a weightier cause at issue, will turn their thoughts to examine the soundness of the foundation on which such a system is built; and which, if true, has so opposite a tendency from that commonly ascribed to it, and so closely affecting the very existence of the substantial grounds of Christian faith.

In the earliest periods after the Apostles, we find a reference to *traditional* records of the apostolic doctrine and institutions, soon followed up by the specious claims of the dominant body to be the authoritative keeper and depositary of that doctrine;*—claims which exercised a powerful influence on the whole system of belief, and soon involved in increasing ambiguity all definite grounds of faith; and amid the multiplied and obscure records and decisions to which appeal was made, a ready opening was afforded for the more extravagant pretensions of ecclesiastical authority, and all the corruptions in doctrine and practice which were by degrees introduced and upheld.

* *E. g.*—see *Irenœus adv. Hœres.*, c. iii.

In the universal assumption of spiritual supremacy all minor distinctions as to the authority or origin of particular institutions, records, or documents, were necessarily merged and lost sight of. Thus, under this system, any particular claims of Scripture, any characteristic evidences of the written word, were in fact superseded by the living voice of the Church, which must necessarily be paramount to every thing. The Bible, indeed, in a secondary and auxiliary sense, was received and read with reverence and devotion; yet, of course, only under due subordination to the supreme prerogative of the Church, and the guidance of its accredited interpreters. But it could have no distinct force, nor could any independent appeal be made to it.

And while 'the Catholic Church' has thus maintained all its traditions, and Scripture among them, on the same footing, the crowning claim of infallibility does away the necessity for any appeal to evidence, and renders all deficiencies in proof unworthy of notice—all alleged differences or irregularities in the claims of Scripture or the Fathers, of the remains of the Apostles, or the records of the modern Church, utterly irrelevant. All portions of the system are placed on the same level, in point of evidence—from the most solemn mysteries down to the most minute dogmatical questions,—from the most sacred oracles of Scripture down to the most humble fragments of antiquity or ecclesiastical ordinances. In a word, 'the Catholic Church' claims itself to constitute, and be, the very depositary of divine revelation, and defines what is to be received as such by its own supreme authority; and it has even been the distinct boast of some of its advocates, that the written word might be dispensed with altogether. Thus, one of its most popular and eloquent defenders observes:—'The lamp of tradition delivered 'down by the apostles, at which the light of the Scriptures 'themselves was kindled, still burns with saving lustre in her '(the Church's) hands; and were it possible that every vestige of 'the written word could be swept away at this moment from the 'earth, the Catholic Church would but find herself as she was 'before a syllable of the New Testament was written; and re-'membering the promise of Christ, "to be with her all days," 'would still hold on her course, unfaltering and unchanged, the 'sole "source of truth and dwelling-place of faith," * to the last.'

Such is the picture presented to us of the principle of authoritative tradition, fairly followed out to its legitimate result. Nor, it must be allowed, can any thing be more thoroughly consistent

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* Lactantius, *Inst.*, l. iv.

within itself, or stand more completely armed against hostile assaults.

But other opinions similar in principle, though in a more partial and qualified form, have also been extensively professed. Many maintain nearly the extent of the system just adverted to, but only divest it of that character of infallibility which yet seems essential to its coherence and stability. Professedly receiving the volume of Scripture as the Divine Word, they nevertheless defer with equal reverence to Christian antiquity, and what they term the teaching of the church, as the necessary guides to its true meaning, or rather as the foundation on which its authority wholly rests; and though they draw important distinctions as to some erroneous tenets propagated by that teaching, yet they contend that all private judgment, and the spirit of independent enquiry, (by which alone such errors can be detected,) are to be repressed, and all speculation calculated to satisfy the demands of reason prohibited! But the remains of the Catholic Fathers, the pleas of sound Apologists, and the labours of orthodox Theologians, are to be sedulously studied in a spirit of humility and submission; when the willing disciple will not fail to find abundant evidence in support of the system which he has been thus duly trained to obey; nor will a system making such demands want numerous and willing votaries. It prefers its appeal to the most prevalent of human weaknesses. An unenquiring recognition of the pretensions of authoritative teaching, offers the most convenient and summary solution of the difficulties and perplexities in which a large proportion of professing believers feel themselves involved; whenever the discussions of the day compel their attention in some degree to those important subjects to which they have habitually yielded a nominal belief;—without the smallest real thought or enquiry, or the possession of any guiding principle which can avail them in difficulties.

But besides those who avowedly embrace such a system, a very large number merely lean to it in a certain degree; or adopt certain modified views, of a kind difficult to explain; or, perhaps, to speak more correctly, have no very clear or precise notions on the subject; but seek to gloss over their uncertainties in vague and ambiguous language, and claim the merit of much wisdom and moderation in doing so.

And when we look at the real nature of such views, it becomes manifest, that under whatever mystical language they may be disguised, they involve in fact a total confusion of ideas, and supersede every positive and substantial recognition of the peculiar character of Scripture, or of the very

nature of divine revelation. In other words, when the advocates of such views talk of 'the Word of God,' they seem unable or unwilling distinctly to say what they mean by that term. They speak of it as indeed to be found in the Bible, but yet as partly to be derived from other sources. They ascribe to the Bible a divine character; yet their belief and reverence oscillate between it and other authority, not less necessary for explaining its true tenor; which nevertheless they seem to allow has not that divine character. They appear to uphold as divine revelation, that which they affirm to be marked by certain peculiarities; yet they place on a level with it, as no less essential to the right view of the truth, that in which the same peculiarities are confessedly wanting. They contend that both Scripture and antiquity—the Bible and the Church—are to be highly valued and revered, and always combined in Christian instruction; that we should be careful neither unduly to exalt, nor improperly to depreciate either; but scrupulously to preserve the exact measure and degree of reverence due to each. And in support of these views, they run into such fine-drawn shades of meaning, such an equipoise of compromises, and balance of inconsistencies, that we may truly say of them, as Luther said of Erasmus, they endeavour to walk on eggs without breaking them.

The question, however, is not one of nice balancing between opposite and co-ordinate claims. If it be admitted that there is any distinctive divine character in Scripture, there can be no competition, no comparison in any respect, between it and any other supposed source of true doctrine. It is clearly absurd to talk of *degrees* of reverence or authority between the human and the divine; the question is not one of degree, but of kind.

On the other hand, standing out widely apart from all degrees or shades of the views first mentioned, the great principle of the sole authority of the written word, is at least consistent and intelligible. The Bible is alleged to be characterized by certain peculiar evidences, by which its divine truth is affirmed to be proved; a clear line of demarcation is asserted to be drawn, in virtue of which its *exclusively* divine character is maintained; and as this evidence is discovered by rational enquiry, so it addresses itself to the convictions of competently informed individual judgments. This authority, and these its proofs, have been usually insisted on as the sole foundation of faith among most denominations of Protestants, and recognized as the common rule and sole standard of belief and doctrine.

Yet it must be owned that the *exclusiveness* of the evidence—the distinction which leads to the total denial of all authority in

divine truth to any thing besides the Bible—is a point much less generally borne in mind by the advocates of this great principle. Yet it is evidently quite essential to the very nature of the claim of Scripture, and the full force of the evidence.

It has been usually alleged that the basis of Protestantism is 'the Bible and the Bible only;' and ever since this celebrated dictum was put forth by Chillingworth, it has been repeated from one writer to another;—among the supporters of the Protestant cause, not unfrequently with but little consideration of its full meaning, or the consequences it entails. Even among those who have most strenuously maintained it in name, there has been often a disposition to conjoin with it other principles, which tend to nullify it in reality. Men have not been satisfied with this rule in its simplicity and integrity, but have sought to combine with it some other authority or mode of determining the true view of Scripture,—at least in practice, regarded as equally essential. But a little reflection shows that if the volume of the New Testament be really distinguished by those peculiarities of evidence which stamp it as the record of Revealed Truth, it irresistibly follows from the very nature of such evidence, that it must possess that divine character, to the utter exclusion of every other species of record or document which does not exhibit those peculiarities of evidence.

According to all received or intelligible views of Divine Revelation, this must necessarily be the case: without reference to any nicer distinctions sometimes raised, the very notion implies a broad line of demarcation. According to any conceivable idea of the Word of God, it follows that its divine supremacy must stand out alone, at an immeasurable and unapproachable distance from every thing else, however ancient or excellent—whether we take our position in the remotest antiquity, or in the opinions of the present day, or view it from one point of time or another, like a star without parallax.

If the New Testament be a volume altogether *sui generis*, then all other writings and records, even of the earliest Christianity, must stand on wholly different ground. They can have nothing in common with it. Their proximity in age is no approximation, even the most distant, in nature or authority. In any conceivable sense of a revelation once for all vouchsafed, all subsequent differences of time utterly disappear. It is the precise nature of the written record that it puts all after ages upon a level. If there was a line drawn, a closing of the canon of inspiration, then, no other remains even of the apostolic age can be of any comparable value. If there was a finality in the New Testament revelation, it follows that, when we have ascended

to the earliest and purest of the primitive writers, we are still no nearer to the divine source of truth than among the theologians of the present day.

If these inferences be objected to as of a forced and extreme character—if it be contended that they involve peculiar assumptions as to verbal inspiration and the like, which are the mere inventions of 'ultra Protestantism'—let it be observed, that apart from all such theories, the same conclusions hold good on the most naked historical view of the case. If it be merely allowed that the New Testament actually contains ALL that the first founders of Christianity intended as essential to the religion they introduced, then, all other writings of however high authority or antiquity can be but mere unauthorized adjuncts. If we only regard the records of the New Testament as in any way providentially overruled to include all things essential to a right reception of the gospel,—conveyed indeed in the channel of incidental narrative and discussion, but complete and final in their extent and tenor,—it follows that we cannot receive a particle of doctrine conveyed through any other channel as essential to the faith.

Yet on this important subject so great is the common confusion of ideas, that its direct bearing on the foundation of all religious belief is not reflected on. It in fact involves nothing less than the enquiry—Is the line of demarcation so closely laid down? Does the New Testament rightly assert these claims, and possess this exclusive authority? Or, again, how and where is the distinction to be drawn between that which is considered Divine Revelation and that which is not?

The enquiry—*Where* and *what* is divine revelation? (though often overlooked,) is certainly not less material than the question —*Is* there a divine revelation? The one is in truth essentially mixed up with the other; so much so, that we cannot arrive at any satisfactory solution of the latter question, until we have at least some definite notions with respect to the former. But plain as such considerations are, they are commonly evaded in various ways. Of such modes of representation we will consider a few instances.

Among the most favourite habits of viewing religious subjects, and one most extensively cherished and professed at the present day, is that of investing every thing in the shroud of mystery; —a plea, in fact, absorbing and superseding all other arguments, and perhaps the most generally acceptable, as addressing itself with peculiar force to the ignorance, the indolence, the religious infirmities of the great majority;—grounding its claim upon the alleged incomprehensibility of all religious truth, and the essential

contrariety in nature between reason and faith. Thus, the advocates of such views are perpetually insisting on an entire submission of the judgment, and demanding a subjugation of the understanding—a principle which in itself tends to discard all substantial conviction; while they would substitute a species of passive assent, which from its utterly vague character, its undefined and undefinable tenor and extent, is, to say the least, wholly unfavourable to all consideration of the question of TRUTH.

And this is not only manifest from the very nature of the arguments put forth by the advocates of these views; but is even acknowledged in the more specific assertions on which they lay a peculiar stress. Thus they are ever alleging the entire incompetency of human reason to judge of divine truth: to follow its dictates, they say, is infallibly to fall into heresy and scepticism. They dwell emphatically on the mysterious nature of all right belief; and thus would teach us to discard all questions of proof and evidence as irreverent and profane. The enquirer who urges such investigation is not in a proper frame of mind; and would be incapable of comprehending those exalted grounds and motives of belief, which are received and approved only by those of higher spiritual attainments. They exclaim in the eloquent language with which one of the most popular modern advocates of Catholicism has clothed an expression of Augustine—'Do 'you reason while I wonder; do you dispute while I shall be-'lieve; and, beholding the heights of Divine power, forbear to 'approach its depths.'* They allege the necessity and propriety that the learner should take on trust whatever his authorized teachers propound; and not presume to ask for proofs or reasons, till he has advanced in the practice of a spirit of humility and obedience to a period of spiritual maturity, by which alone he will be really able to judge of the truth.

This sort of mystical principle, of 'faith preceding knowledge,'† is formally set up as claiming an alliance with the grounds of all true philosophy; and is, in fact, little else than the very rule of the mysticism of the middle ages.‡ If we ask what it is which we are thus called upon to believe, and to whom we are to accord this confidence, they go back to Antiquity, and urge the hidden virtue of acquiescence in a faith maintained by prescriptive

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* 'Tu ratiocinare, ego miror; tu disputa, ego credam: altitudinem video, adprofundam non pervenio.'

† *Tract* lxxxvii. 56.

‡ 'Non enim quæro intelligere ut credam, sed credo ut intelligam.'—See Franck's *Life of Anselmn.*

consent and established acceptance; and contend that this is what is peculiarly consistent with 'that repose and unchange-'ableness which is the attribute and characteristic of truth;' and even when pressed with the somewhat obvious objection, that on such a principle the first admission of the gospel ought to have been opposed, they are still at no loss for an answer; and, with the enviable facility with which such unsubstantial notions can be made to assume any desirable form, they disguise their meaning, or hide their want of it in ambiguous phraseology, and studied mystification.

Meanwhile, under the veil of all this mystery, it surely requires no great penetration to discern the reality of a religion (such as it is) deprived of all the characteristic peculiarities of the Christian revelation, and existing as well without the New Testament as with it.

Such a view, in fact, directly divests the Christian religion of the attributes of reality; it confounds truth and fable; and makes it idle and dangerous to attempt to separate them, or to unravel the perplexing distinctions between history and tradition,—between fact and fiction. It removes all the landmarks of historical testimony, and reduces the Gospel to a mystical legend. The obvious tendency is to make religion no more than an empty veneration for the occult and the unknown; and the adherents of such opinions delight in the contemplation of the hidden origin of a supposed universal doctrine—the mystery of antiquity, and the divinity of tradition—the more pure the nearer its heavenly source, upon which poets and philosophers have loved to dwell; * but which can only be considered applicable to Christianity by those who look upon its truth as no better established than the dreams of the ancient Heathens. In a word, the very notion implies the absence of all distinct idea of a Revelation. It is the very claim of revealed religion, that it does assign a definite origin to the truth, and conveys it pure and fresh to the most distant generations.

That such notions are often taken up in pure simplicity, we cannot doubt; but it is no less certain that they are extensively advocated by men of far too high intellectual powers, to allow of our regarding the profession of them in any other light than that of a *studied* equivocation;—the superinduction of an ominous twilight over the whole state of intellect and feeling;—the elaborate and systematized adoption of a condition of

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* Soph. *Antig.*, 456. *Vide* Cicero *de Leg.*, ii. 11. *Tusc. Disp.*, i. 12.

opinion, or rather of imagination, hovering between a persuasion of something like truth, so expressed as to be hardly distinguishable from fiction, and the indulgence in a waking reverie, which, if it presents images resembling realities, offers no substantial objects of rational contemplation. Nor can we omit to notice in passing, as one effective element in the keeping up of such ideas, the adoption of a peculiar style of *language*, chiefly engrafted into English composition from the existing taste for German literature;—a style tending directly to vitiate and destroy the genuine, clear, and forcible expression of words and thoughts.

It is highly worthy of remark, how closely the most opposite parties have sometimes agreed in the professed disparagement of *Reason* in matters of religion. The disciples of a blind fanaticism, and the votaries of Catholic authority, are equally hostile to its exercise, as essentially at variance with the nature of faith. We may take as a type of the case, the instance of Chillingworth between the Jesuit Knott and the puritan Cheyneil; the former contending that 'he destroyed the nature of faith by 'resolving it into reason,'—the latter 'praying that God would 'give him new light to deny his carnal reason, and submit to faith;' whilst a third party, equally despising each of the former, exactly chimes in with both, in making its boast, that reason and philosophy infallibly lead to the rejection of all religion—and that 'all real science is in radical and necessary opposition to all 'theology.'*

The assertion, that 'the understanding is an insufficient source 'of knowledge in Divine things,' (which in one sense is doubtless true,) has been sometimes strangely misapplied. It was the adoption of this idea which led Lord Herbert of Cherbury to resort to a supposed instinct, or peculiar consciousness, as the ground of religious belief—and thus to reject a positive revelation altogether. While, with a singular inconsistency, by a writer who allows and dwells upon this, we hear it alleged that the very opposite view was the source of error in the cases of other Deists. Thus we are told,† 'the erroneous conceptions of inspiration 'and prophecy . . . together with the exclusive *appeal to the* '*intellect* in the proposition of the evidences, had confused to 'Collins the argument from prophecy;' and that Tindal, 'by 'constantly referring to rationality,' came to reduce Christianity to a mere republication of the religion of nature.

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* Comte, *Philosophie Positive*, ii. 36.

† See Pusey *on Rationalism*, vol. i. p. 125; and Note, p. 126.

If some other faculty of our nature, distinct from reason, is to be made the standard and guide to religious belief, it can only follow, that the subject on which it is exercised must be beyond the region of facts. Whenever matters of fact are in question, reason can be the only judge. If we refer to mythic legends or theological mysticism, then, indeed, another faculty or feeling is called into play. But a religion built on such a basis, professedly grounded solely on the claims of an infallible authority—or the creature only of feeling, emotion, and impulse—or upheld on the mere plea of utility, and enforced by compulsory enactments—or appealing only to the veneration for antiquity—or dependent on the general voice of the many—any such systems manifestly involve no question of TRUTH; they have no connexion with evidence, and consistently discard all appeal to reason.

But a system which claims to be built on *facts*, necessarily implies the question of truth or falsehood; and must refer to evidence of some kind, and to reason, to judge of that evidence. To reject reason and evidence is to render faith no better than fiction; Christianity a fable; its history a legend,—of no better authority than the chimæras of Paganism.

When we hear some parties distinctly professing—'faith 'without evidence,' we cannot but ask *in what* do they believe? An internal impression on the soul may doubtless be most vivid and even enduring, and practically efficacious; but is it meant that there is no objective reality in what is presented to the mind? Facts may become the foundation of feelings, but not feelings of facts.

The distinction is often dwelt upon between the *fides historica* and the *fides viva*, and instances are appealed to of a 'convinced understanding co-existing with an unconvinced heart.' What, we ask, is this, but an exemplification of the lamentable, but very common inconsistency of human nature. There must be, we apprehend, some definite object of belief supposed; a *fides historica* in the first instance, to guide the *fides viva* in the right path.

When some contend for a simple impression of truth, conveyed by the Word of God, on the internal conviction, looking for evidences *afterwards* in the practical fruits of such conviction, which are alleged to be amply sufficient to distinguish true from false systems of doctrine; when they affirm that 'conversions, not miracles, are the abiding proofs of the true faith;' that an inward sense conspiring with the written word, gives each a mutual corroboration of the other,—upon the most entire admission of the truth of these respective pleas, we must yet observe, that they do not set aside, but in fact imply, distinctly, the existence of some

sort of clear outward indication, to show *what is* the Divine word to which the appeal is to be made.

We have here alluded chiefly to one species of mysticism, as being that which is most prevalent among ourselves at the present day; but other kinds may be distinguished, and in some instances connected with views exhibiting pretensions of the most opposite character to those here alluded to. Extremes often meet in a very singular manner: the very same mystical chimæras are engendered equally in the cold recesses of academical cloisters, and in the heated atmospheres of certain lecture-rooms. A system in which the abstractions of reason are the avowed objects of contemplation, is sometimes strangely made to run into the wildest hallucinations of mystical reverie;—the very counterpart of that we have already exposed as the prevalent tendency of the 'Catholic' school.

We will only offer one specimen of this style of theologizing, from an 'address to the senior class in Divinity at Harvard 'University,' by the Rev. R. W. Emerson. The author thus describes the kind of religion he is recommending:—

'It is a mountain air: it is the enbalmer of the world. It is myrrh and storax, and chlorine and rosemary. It makes the sky and the hills sublime, and the silent song of the stars is it. . . . . Always the seer is a sayer. Somehow his dream is told. Somehow he publishes it with solemn joy, sometimes with pencil on canvass, sometimes with chisel on stone; sometimes in towers and aisles of granite his soul's worship is builded. . . . . Man is the wonder-maker. He is seen amid miracles. The stationariness of religion; the assumption that the age of inspiration is past, that the Bible is closed; the fear of degrading the character of Jesus by representing him as a man, indicate with sufficient clearness the falsehood of our theology. It is the office of a true teacher to show us that God is, not was—that He speaketh, not spake. The true Christianity—a faith like Christ's in the infinitude of man—is lost. None believeth in the soul of man, but only in some man or person old and departed! . . . . In how many churches, and by how many prophets, tell me, is man made sensible that he is an infinite soul; that the earth and the heavens are passing into his mind; that he is drinking for ever the soul of God!'

Or again:—

'The very word miracle, as pronounced by Christian churches, gives a false impression: it is a monster; it is not one with the blowing clover and the falling rain. . . . . Man's life is a miracle, and all that man doth. . . . . A true conversion, a true Christ, is now as always to be made by the reception of beautiful sentiments. . . . . The gift of God to the soul is not a vaunting, overpowering, excluding sanctity, but a sweet natural goodness, like thine and mine, and that thus invites thine and mine to be and to grow.'

In such a rhapsody it is little to the purpose where we begin or leave off; but the above will, we suppose, suffice. The reader, however, will not fail to be struck with the parallel so manifestly presented between many of these ideas, and the doctrines of Catholicism; respecting the perpetual supernaturality of the church, the continuance of Divine teaching, and the same reference to religion embodied in the architecture and other artistical adjuncts of ecclesiastical pageantries. Thus systems, professedly of so opposite a character, are identified in the practical results, of an unintelligible chaos of visionary notions; in which the spirit of sentimental devotion loves to lose itself, and into which all substantial ideas of definite belief are sublimed and lost.

Emerging, however, from these cloudy regions, and descending to something like rational argument, we find more precise allegations sometimes put forth among the advocates of the Anglican school; to some of which we will briefly advert, as substantiating more exactly the same inference as before. It is contended that it was the peculiar office of the early church to preserve, to uphold, to hand down, to be witnesses to, the true view of Christian doctrine. This essential doctrine, then, was clearly dependent on the judgment and fidelity of the early Divines for its transmission, for which no infallibility is claimed. They were the living depositaries of something more than was actually contained in the volume of the New Testament; yet of equal value and importance to a right faith.

Many speak of these recorded traditions of the early church, especially as collected in the writings of the primitive Fathers' Creeds and Councils, as in some way subsidiary to the written word; or, as Dr Waterland expresses it, 'antiquity as the 'handmaid to scripture.' But in what sense were they so? They manifestly cannot be regarded as more peculiarly subsidiary than any other aids of human learning, or any modern comments; unless they be viewed as supplying something essentially defective in the Apostolical Records. And we then necessarily imply, that the declarations of the New Testament were not plenary or final; and make these records not less essential to the true faith. To suppose that we gain any further insight into Christian truth, from the writings even of the immediate successors of the Apostles, is to impugn the sufficiency of their writings, and to lower their authority to a level with that of their followers. Principles which, if true, would at least require us wholly to modify our notions of the nature and extent of Divine revelation.

The reference to antiquity, in general, takes its most specious

form in the very plausible assertion, that the first age must have possessed clearer and fuller views of Christian faith, as it was nearer to the time of its foundation. And the very general belief of the supernatural interposition which was vouchsafed for the extended promulgation of the gospel, and protection of the infant church, has led to the natural inference, that the truth was thus possessed by that age, and preserved pure; and is consequently to be collected in its genuine integrity from the remains and institutions of those times which have come down to us.

This view has perhaps prevailed more generally, from the objections felt to the attempt to account for the spread of Christianity by natural causes and human agency; and thence the opinion of the same kind of interposition in the preservation of pure doctrine, has been equally contended for as a part of the same great providential scheme.

The question of the supernatural propagation of Christianity is one of very undefined extent. As referring to the immediate coadjutors and followers of the Apostles, we have the testimony of the New Testament in support of it; but if it be meant to extend it to a subsequent age, the question must be allowed, to say the least, as far more open to doubt. However this may be, what we wish at present more particularly to dwell upon is this—In proportion as this special interposition may be supposed, we come to the same unavoidable conclusion as before. If the true faith were supernaturally preserved during any period after the Apostles, then it must follow that the Christianity of the New Testament is no more *peculiarly* Divine revelation, than the Christianity of those subsequent ages. And if such aid were vouchsafed for *some* centuries, where shall we limit the period? Its duration is wholly undefined by any precise mark—and thus the claim of the first ages melts undistinguishably into that of the later; the boundary of Divine communication is lost; and by consequence the reality of it, in any age, must be ever uncertain.

The Apostles and first founders of Christianity confessedly left behind them, among their converts, a large mass of oral instruction, besides what they committed to writing in the Memorials which have been preserved to us. And to this tradition, as gathered from the records, especially of the present and earliest ages, it is alleged we are indebted for the preservation of all the external institutions of Christianity; as well as for the elements of those expositions and formularies of the true doctrine, which were derived from those who enjoyed the privilege of conversation with the Apostles.

Thus, it is urged, that the authority of apostolic and ecclesiastical traditions is that from which the whole body of Christian truth derives its credit and evidence. Among the rest, the New Testament doubtless holds the most conspicuous place; but still the claims to acceptance for the entire coherent mass, must obviously be one and the same in kind for all parts of it alike. On these principles it follows, that the highest doctrines, and the truth and divinity of the New Testament itself, rest upon no essentially *distinct* ground from the records of the primitive Saints, or the institution of Rites and Creeds.

What, then, is the consequence? If reason refuse assent to these latter pretensions—if the ground of tradition be found unstable, the whole of Christianity must be involved in the same instability. All portions of the indivisible body of ecclesiastical records are of the same authenticity; and if a doubtful and uncertain character (to say the least) attaches to some part, every thing is lowered to the same legendary standard. The New Testament is thus deprived of all distinct authority; and merely sinks into a part of the indiscriminate mass of the more or less corrupt and fictitious remains of Christian Antiquity.

Yet we find this handing down of all the material doctrines of the faith, and institutions of the church, expressly contended for as the great fact to which all ecclesiastical history bears conspiring testimony, and on which alone all reception of the truth depends. In opposition to this, as the very basis of Protestantism, we perhaps contend for the utter rejection of tradition, or argue that it is in its nature worthless, vague, uncertain, or contradictory; that it was derived, in the first instance, from sources utterly unknown; that we have not the smallest ground for estimating the information or veracity, the motives or prejudices, of those through whose hands it was first delivered; and that, when we find any portion of it arrested and embodied in the writings of the Fathers, we have still no more assurance as to the competency or honesty of those writers, in making their records of it; and in most cases (especially in some of the most important, as being the most ancient) we have, at best, but very unsatisfactory grounds for assigning the genuineness of the written Remains referred to, or estimating the credit to which they are entitled. We may perhaps allege, that the mass of ecclesiastical traditions 'was perpetually receiving additions, and that we know 'not when those additions began,' * or condemn them altogether

* *Supplement to Tradition Unveiled.* By Professor Powell, p. 10.

(in the language of the Homilies) as 'the stinking puddles of 'men's inventions.'

To all such objections the opponents offer no reply: they seem by their silence content to allow our allegations. But, precisely in proportion as they tacitly concede the point, they are urgent with us to remember that, imperfect and uncertain as we may make it out to be, such tradition is, after all, the only source of information accessible to us, in all matters of Christian antiquity. And, having thus paved their way with our own principles, they cautiously advance upon it further, with a more special and plausible reference to the evidence for the genuineness of the New Testament; and ask—from what sources have we our information as to the authors, the dates, the integrity, or the inspiration, of the several Books? For this *they* can indeed allege the records preserved by Jerome and Eusebius, and others of the Fathers. But then, on our principle, they ask, what are all such testimonies but mere tradition? and what then becomes of all our evidence for the authority of the New Testament—that is, for the whole truth of Christianity? In a word, they openly contend that the authority and canon of the New Testament is, after all, as much a matter of mere *tradition* (fallacious as it may be) as any of those rites or dogmas which we most dislike; and that the very belief in Revelation itself must stand or fall with the acceptance of all the traditions of the Catholic Church.

On this point, one of the most approved and moderate advocates of these views, expressly observes—'If the testimony of 'the early Christian writers in this question of fact be rejected, 'the external evidences of Christianity are subverted. The 'authenticity of primitive tradition and its records, of scripture 'and its doctrines, and of Christianity as a revelation, stand or 'fall together. It is not the defence of any particular doctrine 'which is involved in the question of the credibility of tradition; 'the whole fabric of Christianity is vitally connected with it.'*

Let us add one more testimony still more explicit. Speaking of various doctrines and ordinances confessedly derived from tradition, Mr Newman† observes, that they 'rest substantially 'on the same basis as the canon of the New Testament; viz. 'the testimony of ancient Christendom. But to those who think 'this basis weak, the argument becomes a disparagement to the 'canon, not a recommendation to the creed.' It would be superfluous to add a word of comment.

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* Palmer *on the Church*, vol. ii. part iii. p. 48.

† *Letter to Bishop of Oxford on Tract* xc. p. 16.

Again, it is sometimes alleged, without insisting on any high and supernatural claims, that the true doctrine was in fact preserved and decided by the 'general consent' of the Church, as expressed by the celebrated *dictum* of Vincent Lirinensis; and though, perhaps, very few would go so far as seriously to maintain it in its precise extent, or indeed to pretend that a single doctrine can be found which actually fulfils the somewhat rigid exaction of a literal *semper*, *ubique*, *et ab omnibus*, they are satisfied to accept those tenets which come as near to the standard as possible, and fall in with what (they say,) though 'not a mathe-'matical, is yet a moral universality.' Nothing, indeed, can be more imposing than the plea of this consent of the Catholic Church, as sometimes pictured. That from the earliest periods its different dispersed members exhibited a marvellous agreement, in preserving the same great elements of Christian doctrine;—that the primitive practice of assembling in General Councils the representatives of Churches from the remotest provinces, brought together from time to time those eminent guardians of the truth, who produced each the independent testimony of the Church from which he came, to what had always been the received faith handed down in that communion—from such independent concurring testimony who could venture to appeal?

Now, the real tenor and tendency of this representation may be illustrated from the remarkable parallel which the advocates of such a view are fond of drawing, between this general consent in religion, and the same sort of plea, which, as they contend, is and ever must be the appeal in morals, in taste, in literature, and even in some measure in science, where the standard of judging is, after all, determined by the general opinion of those best qualified to judge. While, again, the claims of these persons to be judges can be decided by no higher authority than general consent; and yet the apparent argument in a circle passes, and ought to pass unchallenged.

In upholding this sort of comparison, much ingenuity and eloquence have been exerted. But who does not see this broad distinction, that all the subjects referred to are purely matters of *human* opinion? and it is precisely for this reason, that the standard resorted to is perfectly just. But, in the *one* case of revealed religion, (*if* indeed there be such a thing in the estimation of those who reason thus,) the parallel will not hold good. The highest perfection of combined human judgments can never advance one step towards *revealed* truth. If its pretensions be at all like what they are (at least) commonly supposed to be, it must be, as before contended, altogether essentially dis-

tinct in kind from any object of human speculation: it must rest upon peculiar and independent evidences, and cannot be affected by any agreements or disagreements of human judgment. Nevertheless, we find such consenting judgment contended for as authoritative. Suppose it granted—the only conclusion is, that religious truth is thus put precisely on a level with any doctrine of human learning or taste; Christian faith is placed on the same footing as classical style; orthodox belief is an attainment of precisely the same kind as a correct taste in painting or poetry. In a word, the gospel, as a positive Divine revelation, is altogether set aside. But further, if we look to the actual grounds and validity of this claim of Catholic consent, to the nature of those pretensions which were advanced by 'the 'Church,'—that is, by the body which arrogated to itself that exclusive title, and which was indisputably the true Church, itself being the judge,—if we examine its appeal to Scripture, discovering of course abundant proofs in its *own* interpretation of Scripture, to the distinction so much dwelt upon of 'Catho-'lic truth' and 'Sectarian error,'—the pretence of general agreement, of the pure faith handed down from primitive times, and distinguishable from all corrupt novelties, are all seen to be utterly fallacious, the moment they are seriously enquired into, or the question is asked, what constitutes this united voice or decision? Where is the record of its verdict to be found? Or, if its advocates succeed for a moment in conjuring up the fond chimæra in any definite shape or lineaments, the more we try to follow or grasp it, the more dim and shadowy do its outline and form become;—the nearer we approach towards the position it seemed to occupy, the more does it recede from our vision and vanish into air.

If we look into history, and pass over the early rival claims of the orthodox and heterodox to the possession of equally sound and apostolic traditions of their own,—and if even, at a later period, we could trace a tolerable unanimity in the testimony of Fathers and Councils, its real origin would be easily manifest: nothing could be more true than the establishment of uniformity in doctrine when all heretical deviations were extirpated. The sole *true* church was of course that which had destroyed all others; peace and unity were secured by the suppression of all opposition. *Ubi solitudinem faciunt, pacem appellant.* Nothing could be more satisfactory than the agreement together of churches all studiously moulded on the same system, and when uniformity was made the first and ruling principle. If any age had failed to bear testimony to the truth, it was an age of blindness and ignorance: If any church did not agree, it was

obviously heretical. Nothing could be more clear and unanimous than the consent of all within the church, when all who dissented were placed without its pale.

The slightest impartial enquiry into the testimony of history must suffice to convince any one as to the facts, however prejudiced advocates may seek to conceal or to distort them. And when such considerations are pressed on men like those referred to —of far too deep knowledge and acute discernment not to be well aware of their truth—we find them either running off into mere unmeaning mystical declamation, or seeming to acquiesce with a ort of ominous silence; out of which we may perhaps catch the whispered hint, that whatever difficulties may attach to the determination of Catholic consent, equally impossible must it be to discover Christian truth at all.

Further, if we look to the source and origin of such pretensions to Catholic authority, we shall find it in human nature. It is, no doubt, eminently satisfactory to the many to appeal to an imposing show of authorities,—to the voluminous researches which have been heaped together to guide men to *the true* church, —that is, the church which has always asserted itself to be so. It is always highly acceptable to the generality to recommend as the genuine form of Christianity preserved from the first, those multiplied dogmas and observances which were gradually introduced, and were continually receiving fresh accessions of technical precision and formality. To overlay Christianity with such a system, was even from early times the common tendency of all Christian communities; and similarity of outward circumstances would easily create a similarity in the forms of the institutions. Thus did the scheme of 'Catholicism' advance its dominion on all sides; secure in the 'general consent' of its willing, and for the most part ignorant votaries, in the dictates and impulses of common infirmity. The religious tendencies of human weakness, experience testifies, are always, in the main, the same. There is 'always' a propensity among 'all men,'—'every where,'—to fall into a similar kind of external worship of forms and dogmas—of observances apart from morals—and creeds apart from conviction—to substitute the offices of a Priesthood for individual holiness—the consecration of times and places, of temples and days, for the sanctification of the heart and life. Into such forms human nature is ever prone to corrupt spiritual service;—and *quod semper, ubique, et ab omnibus*, is the very formula of the corrupt religion of human nature.

As Bishop Burnet * observes, 'there is a humour in men to

* *Four Discourses.* London, 1694. Third Disc. p. 64.

'add to most things;'—and all creeds, rites, and claims of church authority have accordingly ever been found tending to augment and enlarge by continual, though perhaps insensible, additions. There are tenets, ideas, observances in religion, which we detect every where,—which seem to spring up in men's minds, as if indigenous to the soil, and in which there is a common consent, apparently without communication. Such ideas and sentiments, especially when they can be invested with the reverence due to an unknown antiquity, are by some held peculiarly sacred, as the very promptings of nature and truth.

But the more we consider what human nature is, (especially as exhibited to us in Scripture,) the more shall we regard all such common notions of religion with suspicion. The mere circumstance of such untaught consent,—(whatever it might prove in common matters,)—in religion, only furnishes a strong presumption that the tenets so introduced and upheld are altogether corrupt,—alien from the genius of the Gospel,—and, above all, the appeal to such a principle is inconsistent with the very nature of a positive Revelation.

In such a sense nothing, certainly, can be more true than the principle of catholic consent; nothing more sure than such a foundation for religion, but not for Christianity, nor for Revelation in any form. And when we find such pleas formally put forth as the sole basis of the Gospel, by men of acknowledged acuteness, it is impossible to believe them blind to the obvious inference, that Christianity itself, in their estimation, is no better than the mere religion of human infirmity—the fond invention of popular superstition.

It is alleged that 'the Church' holds the commission of its Divine founder to be the teacher of all nations; to make disciples of them, not merely by putting into their hands its documentary records, but by a process of spiritual training and instruction. In fact, it is contended that the true doctrine cannot, generally speaking, be learned from the Scriptures alone: the system is what at least no ordinary reader would ever deduce from the scattered intimations of the sacred writers.* A guide is necessary to point out the true connected view of the whole, which may then be confirmed by reference to Scripture. Now, the natural and obvious importance of a guide in any acquisition of knowledge, is universally admitted,—even in the simplest forms of instruction: it is often most desirable if not essential. There are many instances in the sciences of observation, where we do not perhaps even *see* an object till we know *where* to look, and

* See Newman *on Romanism*, 384, 189.

what to look for; or, as it has been well expressed, know 'how 'to see it.'* And in moral subjects, where so much more depends on the exercise of a trained judgment, the same necessity for guidance is yet more evident.

In some writers, we meet with the most laboured arguments in support of such a method in religious instruction; on the ground that it is in fact part of the actual arrangement of Divine Providence,—ordaining that man shall be the instructor of man, that the same mode of instilling knowledge must prevail in religion as in other subjects; that all the varied relations of parent, master, teacher, and Christian minister, are but modifications of the same important office; and other eloquent declamations to the same effect.† Nothing can be more true than that such is the order of things, arising out of the very constitution of human society. But precisely because it is so, it cannot confer any peculiar or exclusive commission for a monopoly of such instruction; or, if this *be* the ground, then it merely follows that the teaching of Christianity rests on no other warrant than such natural sanction. If it be but the ordinary process of instruction, in which every teacher claims, to a certain extent, an authority over his disciples; it can only be a species of function which belongs to no one religious communion in a higher sense than to another. The same kind of authority, in this view, must be allowed to the Confessions of all churches alike. It is found equally in the Creeds of Nice and of Pius IV.,—in the Catechisms of Trent and Heidelburg—the Racovian or the Genevan—of the Church of England or of the Westminster Assembly.

But sometimes it is said the office of the church is not indeed to declare new truths, but only to *develope* those actually existing in Scripture; but which are not so apparent, but that they may require to be expanded and unfolded in their full meaning and proportions. To develop or unfold is, however, to *add* a sense otherwise hidden, and in the possession of the teacher. Or, again, it is said, 'we have a Bible to learn and a Church 'to teach it.' If this mean any thing more than what obviously applies to every sect or communion within its own pale, it must imply some peculiar function vested in 'the church;' by which alone the true doctrine can be laid down as in its exclusive posses-

* The reader is referred to an instructive anecdote in illustration of this, related by Mr Babbage in his *Decline of Science*, p. 210.

† See Dr Channing's *Discourses*, i. 15, and viii. 120; and Dr Hawkins' *Bampton Lecture*, pp. 59 and 64.

sion. What, then, is the authority for the entire doctrine? and where is the distinction to be made of any original and proper Revelation? Nevertheless we are told, that the systematic doctrines may indeed be proved from Scripture, when previously suggested, though they would not be *inferred* from it, without such suggestion; and that it is the proper function of the church to train her *sons* in the system of the true doctrine, for which *proof* and confirmation may *afterwards* be sought in the records of Scripture; and which will doubtless be the more surely discovered then, in proportion as the search may be conducted in a spirit of dutiful submission to the interpretation imposed on the passages referred to by the authority of the church.

There is doubtless in the human mind a strong propensity to look at evidence, according to the view of the case with which it has been sedulously pre-occupied. With the majority of mankind, prepossessions never long want proofs. To suggest a system is, to a great extent, to secure the interpretation of authorities in its favour. To propose a theory is to go far towards ensuring the discovery of evidence in support of it; and a strong disposition to keep out of sight every thing which may seem of opposite tendency.

Men of such acuteness as some of the advocates of these views, must of course perceive fully their obvious application; and we can therefore only understand them as in reality wishing to make the whole belief in Christianity rest on such grounds;—that is, to reduce it to a mere matter of prepossession and prejudice, not of conviction or truth.

We find, too, these pretensions intimately mixed up with the much-vaunted principle of 'reserve' in religious teaching; which manifestly implies an authoritative trust vested in the church, —a discretionary power to dispense the doctrine as from the fountain-head—as fully possessed at the present as it was from the very first, when it was exercised by Christ and his Apostles. And what is this but affirming that there is no essential distinction between the circumstances of the original foundation and promulgation of Christianity, and those under which its institutions are maintained at the present day; or that the one are as little peculiarly Divine as the other? With such a view, it is of course perfectly consistent to maintain, that the functions of the church are precisely the same at the present day as they were at first; that the Apostles, in fact, possessed no other authority than has really been continued to their successors; and that the powers conferred by Christ are quite as fully realized in Christian ministers of the present age, as they ever were in his

immediate disciples. Yet these are the men who exclaim against Rationalism!

But the theory of the teaching of the church, carried out to its full extent, is exhibited in what is termed, 'the system of 'development,' — especially as illustrated in Mr Newman's Essay, amounting nearly to an open avowal of what we have just inferred. It is in fact nothing less than a statement, in the mystified language of ultra-orthodoxy, whether Anglican or Romanist, of the very assertions and entire theory which it has been the orthodox practice hitherto to denounce, as among the worst tenets of Neology. To any reader of the smallest discernment it conveys, in fact, such a view as the following: That the Apostles at first proclaimed nothing more than a few bare facts relative to the person, life, and actions of our Lord, coupled with plain practical admonitions. That it was by degrees that these came to be invested with some sort of illustration or metaphorical connexion,—especially by the aid of analogies derived from the Judaical Scriptures and belief; and thus they were soon further drawn out into a few leading doctrines, which assumed greater peculiarity of form, and depth of meaning, as controversies sprung up; while their expansion into formal Creeds, and systems of gradually increasing extent and complexity, was the proper office of the church of succeeding ages; but in which it was as truly original and authoritative as were the first teachers in the simple truths they put forth. In a word, it makes Christianity wholly a progressive scheme of doctrine, undistinguishable in authority in any of the epochs of its gradual disclosure; undistinguishable in its earliest phase from the merely human aspect of the later; the New Testament not superior in authority, and inferior in value, to the systematized formularies of the church, down to the present times.*

If our limits allowed, we might adduce many other striking details in support of the same inferences; and we can only notice very briefly, how earnestly the advocates of this school insist on the authority of what are allowed by all critical judges to be the most legendary fictions; as (for example) the so-called four Apostolic Liturgies of St Peter and St John, St James and St Mark; which even some Roman Catholic writers, as Dupin and Cardinal Bona, have admitted to be of later

* Views of nearly similar tendency, are advocated with his usual ability by Neander, in his *History of the Planting of the Christian Church*, translated in the *Edinburgh Cabinet Library*, vol. xxxv. Edin. 1842.

origin. * When these and the like well-ascertained forgeries are pointedly upheld as authoritative, and as 'derived from the 'very same source as the Holy Scriptures,' † it is clear that the authority of those Scriptures can be regarded as no better.

Similar remarks might be made, in other instances, with respect to the importance attached to many other not less legendary traditions and superstitious fictions of ecclesiastical antiquity; the essential value assigned to the dogmatic subtilties and ceremonial forms derived from earlier times; the fond veneration with which Lives and Acts of Saints and Confessors are viewed; the virtue ascribed to their mortifications, and the efficacy of their sanctified ministrations. This last topic has in fact received the most elaborate elucidation, in the Series of Lives now appearing from the press, by the joint labours of several members of the Oxford School. From that Series, we might, if our space allowed, produce examples of a very singular kind, and which might tend not less to the amusement than the edification of our readers. Yet more ample and striking are the disclosures of the real tendencies of the system, afforded by the recurrence to the legendary records of the early church, relative to the miracles and prodigies with which the narratives of those ages abound; and which have been so sedulously and elaborately maintained in marked and pointed connexion with those contained in the Scripture narrative.‡ But at present we can only remark, that it would be utterly incredible that men of acknowledged ability and learning should be found dwelling with so strange an interest on those relics of the devotion and credulity of dark ages; were it not open to obvious suspicion, that in all this there was implied a bearing on higher questions; and a parallel more than insinuated between the claims of such idle superstitions and those of all alleged Revelation.

Upon a review of the preceding instances, we thus perceive, that all such pleas and arguments as are here advanced, alike tend to one conclusion,—the obliteration of any real distinction between the New Testament, and the succeeding remains of Christian Antiquity. Such a system, if it nominally ascribe a sort of superior reverence to the New Testament above that due to the early Fathers and Ecclesiastical Historians, in fact

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* Dupin, *Bibliothèque*, vol. ii. on the Liturgies. Cardinal Bona as cited by him.

† Tract Eighty-six.

‡ See *An Essay on the Miracles recorded in Ecclesiastical History.* By the Rev. J. H. Newman. Oxford: 1843.

denies it any real characteristic supremacy. It reduces all questions of difference to a mere question of *degree;* and regards both as but consecutive parts in *one* work and design. It thus breaks down the boundary between inspiration and opinion, between Divine and human doctrine, between the voice of revelation and the conclusions of reason, or the suggestions of mere feeling or imagination; and in thus effacing the landmarks of the Christian's spiritual inheritance, it cannot but hazard the secure enjoyment of it.

At the same time, the advocates of these views, looking at the common prevalence of unworthy and ignorant notions on the subject, can with a certain degree of truth, on the other hand, allege that in the extremes of opposite systems, peculiar, and in fact exaggerated and fanatical views of Scripture, have been extensively adopted in modern times; of which the early church knew nothing. And while, without disturbing popular opinion by too startling an announcement to this effect, they fall in with received modes of expression, and exoterically profess the utmost reverence for the Sacred Volume, they in fact nullify these professions, by the assertion of precisely equal evidence for the traditions of the Fathers, and the teaching of Catholic Antiquity.

To magnify the remains of the successors of the Apostles, as a connecting link between their teaching and that of subsequent times,—to assert a sort of quasi-inspiration, a semi-divine character in the remains of primitive times, and some sort of continuation of such a character in the church even to modern ages—is, in fact, to make no distinction *in kind* between the original institution of the Gospel, and the comments, additions, and developments of the system, by its followers and teachers, whether earlier or later. And we are thus prepared to be taught, that the belief in the sole authority of Scripture is, after all, a mere creation of ultra-Protestantism; that the broad fence and line of demarcation between inspired writings and human, has been rather of modern erection; that the higher we ascend in Christian Antiquity the less do we find of any peculiar claims of the Christian Scriptures; that the more we examine the earlier records, the less ground can we find for faith in the New Testament, or for the common but fondly invented notion of a written guide to revealed truth.

It will perhaps be said, that we have, throughout these remarks, done nothing but advance *difficulties* and suggest *objections* of the most serious kind, without attempting to offer any solution or reply. That they admit of distinct refutation, we have nevertheless hinted as we proceeded; and we conceive that such refutation has been abundantly put before the public in other works,

and in sundry preceding Articles in this Journal. Our present object is, generally, to invite attention more distinctly to the entire subject. The great question of the Christian evidences in general—always vitally important—at the present time, if there be any force in what we have advanced, demands more special attention; in connexion with opinions, far more dangerous to its security than the open attacks of infidelity,—according to which, while the original revelation of Christianity is never openly attacked or denied, it is yet in effect placed upon the same level with the modern systems engrafted on it; and professing to be equally authoritative developments of it. A clearer examination of the great principles involved is thus peculiarly forced on our attention; even at the risk of approaching topics from which many would shrink, and touching on questions affecting the foundation of all religion, which many think it so religious to shun. When, as at present, Mysticism and Scepticism are undistinguishable in outward aspect, and when transcendental orthodoxy and utter disbelief have learned to speak the same language, it becomes the more necessary to strip them of their disguises, and expose the naked deformities of each; as well as to vindicate the just claims of sober and rational enquiry into the evidences, which alone secures them their proper force and authority.

It has been the common insinuation of unbelievers, that as all early historians have their legends and prodigies, and all religions their miracles, their divine incarnations, and apotheoses, so the religions exhibited in the Bible have theirs; and thus they advance to the allegation that the latter in general, and the religion of the New Testament in particular, are not more real nor founded on better evidence than the rest; and this comparison is applied, not only to the false religions of the Heathen, but even to the later forms of Christianity, and to the miraculous claims and marvellous legends of the ancient church; which, they contend, cannot be really distinguished from those of Scripture. In a word, they would place all such supernatural narratives on the same level, and thence argue that the real evidences in the one case, can be no better than in the other.

We therefore think, that it has now become peculiarly important, in the discussion of the Christian Evidences, to view them with especial reference to such objections. And the main point to which our attention should, at present, be more steadily directed, is the *distinctive* nature of the Evidences of pure and original Christianity, with reference to this confusion and neutralization of them,—the real and rational marks of separation by which the Gospel itself stands essentially characterized in these

respects in the New Testament Records—so as to place a broad, well-marked, and effectual line of demarcation between its Evidences, and the pretensions, whether of the blind religions of ignorance and imposture, or of those corruptions of its own principles which have so widely prevailed under the disguise of its name.

We can hardly say, that, among the more recent productions on these subjects, able as some of them are, the particular view here indicated has been sufficiently elucidated; or that there exists one which *exactly* meets the demand we have here pointed out. We have much gratification, however, in referring to the little work mentioned at the head of this Article, entitled *Easy Lessons on the Evidences of Christianity*—of which it is, perhaps, too late in the day to speak in detail; but it is, we trust, so generally known as not to need our recommendation. With *apparent* pretensions of the humblest kind, it conveys the most forcible exposition of these evidences in a style adapted to ordinary conceptions, but arresting, at the same time, the attention of the most cultivated intellects, as indeed might be expected from the well-known acute and logical mind of the eminent Prelate who is generally understood to be its author; while we are glad to know that the excellent French and Italian translations, together with its adoption by the Irish National Education Board, have done much towards the wider diffusion of the benefits derivable from its pages.

Art. IX.—1. *The Earl of Gowrie. A Tragedy.* By the Rev. James White. 8vo. London: 1846.

2. *The King of the Commons.* By the Author of *The Earl of Gowrie.* 8vo. London: 1846.

These Plays, though in many respects sufficiently open to criticism, are yet not without a certain visible impress of mental vigour and originality of treatment: their merits and demerits, such as they are, are equally their own. They are in no shape imitations of our Older Dramatists, clothing in the garb of antiquated expression, or the outward pageantry of times gone by, feelings, views, and motives of action, which are plainly the sole growth of modern progress, and modern sympathies. As little do they resemble, though appearing in the form of his-

torical plays, those *tableaux* in action, which among our continental neighbours have obtained a popularity at once cheap and noisy; in which—evading the difficulty of all *continuous* character painting, and leaving Time, as Shakspeare has done in the *Winter's Tale*, to fill up, as Chorus, all those blanks which afford no salient materials for theatrical exhibition—the Dramatist selects only a few brilliant and impassioned scenes from the history of a life; and, by the aid of scenery and appropriate costume—the charm of historic groups and familiar names, with a profusion of startling incidents—undoubtedly produces, so far as regards the stimulus imparted to the nerves, a very powerful effect for the time. We have called this a *cheap* source of popularity; because we believe it to be, of all applications of artistic talent, that by which the *maximum* of immediate effect and temporary popularity has been attained, with the *minimum* of mental labour, and the slenderest expenditure of poetical capital. For in truth this department of art falls fully more within the province of the play-wright than the play-writer;—depends more on the scene-painter, the property-man, and the actor, than the poet; and accordingly our recent French experiences seem to prove that this is the most levelling of all departments, and that many a nameless or already forgotten writer dashes off these historical *impromptus* with nearly the same tact and brilliancy, certainly with nearly the same success, as his more gifted prototypes, Vitet or Dumas.

The Plays before us have a higher and more legitimate aim;—that of exhibiting not mere desultory and fragmentary sketches, but studied pictures—finished portraits of the men and of the times with which they deal; and, though there is just enough in the style to show that the writer is sufficiently well acquainted with our old English Dramatists, they derive their effect—at least in the more tragic and impassioned portions—from a vigorous, manly, though rather *modern* cast of diction and dialogue; and an almost entire absence of those conventional archaisms of expression, which have generally been regarded as almost indispensable accompaniments of Dramas conducted on the plan, or in the spirit of the Elizabethan era.

The author, the Rev. Mr White, announces in his Preface to the *King of the Commons*, that the two plays already published form part of an intended series on the Stuart Kings of Scotland. He proposes, it seems, to accomplish for Scottish history, from Robert II. to the accession of James VI. to the English crown, what Shakspeare has done for the Chronicles of England during the troubles of York and Lancaster; and Raupach for those of Germany during the Swabian dynasty of the Hohenstauffen.

The project is a bold, but, we must think, a most injudicious one; for the main faults of the two plays we are about to notice, arise from the hopeless and intractable nature of the subject, destitute of dramatic interest and dramatic capabilities; and if such be the case with the last two portions of the series, have we any reason to anticipate that fitter materials for the Drama will be found in the earlier history of the race of Stuart? Some halo of romance, though of a kind which has little analogy to the dramatic, is indeed shed round the early history of our first James, by his long imprisonment in England, his romantic attachment to the grand-daughter of John of Gaunt, and his poetical accomplishments; but with his return to Scotland, we are plunged into the prosaic struggles of selfish and barbarous factions. No trait of gentleness, no gleam of nobleness, breaks through the gloomy and lowering aspect of the time; and the prospect darkens and darkens, till the end is conspiracy and death. What human skill could extract dramatic materials from such a reign as that of James II.?—a wretched struggle between the Crown and the Douglasses, disgraced by a murder committed under the guise of hospitality by royal hands, and terminating with the accidental death of the monarch by the bursting of an ill-made cannon at the siege of Roxburgh? Could even Shakspeare himself have inspired an interest in the fate of the timid, avaricious, low-minded, and unmanly James III., falling, during an ignominious flight from the field, by the dagger of some nameless assassin? And though the chivalrous qualities of our Scottish Don Sebastian, James IV., and the sad interest which, in the eyes of Scotchmen, will always attach to all connected with the 'field of Flodden,' present at first sight a better *personel* as to the character represented, and a more dignified catastrophe than that which closed the reign of his father or grandfather, we are utterly at a loss to perceive out of what combination of events, during this reign, any thing approaching to an interesting dramatic whole could be produced. The truth is, that Mr White has already exhausted the two reigns which afford the best materials for his purpose; those of James V. and James VI. For out of the peculiar character of James V.,—his personal bravery, his poetical sympathies, his patronage of art, his old hatred of the Douglasses, combined with the warmth of his attachments to his own friends, and the character of his reign,—in which we see, on the one hand, the introduction on a grand scale of settled order and justice, and the dawn of the great conflict between declining Papacy and the rising Reformation,—out of such elements, no doubt, much may be made by a dexterous artist; while the character of the sixth James, though certainly sufficiently ungainly and unin-

viting, and fitter for Comedy than Tragedy, is still so anomalous, so full of peculiarity and quaintness, that either by itself or by contrast with natures of an opposite mould, it can be made an effective and picturesque agent in a dramatic combination.

The subjects with which Shakspeare and Raupach had to deal, in the dramatic series which they attempted, were of a very different nature. Even the partialities of Scotchmen will scarcely induce them to compare the petty interests and barbarous struggles of Scotland, from the year 1371 to the accession of James, with the great contests, the absorbing interests, the vast and imposing changes of fortune which were involved in the eventful century, from the Diet held by the first Frederick in the plains of Piacenza, to the judicial murder of Conradin on the scaffold at Naples.* For the history of Germany during that period, we must recollect, is the history of Europe—of the civilized world; the struggles delineated are no contests of rebellious clans or combinations of selfish and ambitious nobles against the growing power of the crown, but the mighty contest between the Empire and the Pope, the supremacy of the Secular or the Ecclesiastical power. The prize is universal empire, and the battle is waged on a scale proportioned to the grandeur of the event; characters, incidents, and passions, partake of the same elevation; and a colouring of enthusiasm, strong conviction, and self-respect, is thus naturally impressed upon the language in which the great actors of the scene give utterance to their hopes, their resolutions, their pleadings, and their vindications. Yet even with all these advantages, the series of plays on the Hohenstauffen becomes tedious. We are arrested at first by the stern interest of the struggle between Frederick and Alexander III.; by the deep human sympathies that are awakened by the fate of Henry the Lion; and the gloomy and despotic grandeur and iron determination of Henry VI., strongly awe and fascinate the imagination;—but as the long line continues, like Banquo's successors, to unroll itself before us, volume after volume,† and meaner spirits displace the mightier agents on the scene, we begin to feel that the latter part of the series becomes insufferably tedious;—that Manfred, Enzio, and Conradin are mere repetitions in a weaker shape of themes and ideas already exhausted; and earnestly to wish, both for the credit of the author and our own comfort, that Raupach had closed his labours half a century sooner with the death of Henry in 1197.

If the dramatic cyclus from English history which Shakspeare

* 1158 to 1268.

† Our Edition of the Hohenstauffen Series extends to eight vols. 8vo.

has presented,—including what may be called its prologue in *King John*, and its epilogue in *Henry VIII.*,—cannot boast of the political and European interest with which the history of the great Swabian House is invested; the real magnitude and importance of the events which it embraces, the commanding, impressive, or touching characters which pass in procession before us, place it at least in a very different position, so far as dramatic capabilities are concerned, from that section of our Scottish history to which the writer of these plays proposes to devote his thankless labours. When the events themselves are mean, they are upheld by the strength and originality of the characters; if the motives of action are often selfish enough, they are overshadowed by the fiery will and intellectual energies of the contending parties; while even on the bloody scene of civil contest, a softening light is now shed back from the vantage ground of that tranquil and settled government—that development of civil rights—those more humane and liberal opinions, which had grown up and become more deeply impressed upon the English mind, even by the weight and number of the atrocities which had sullied the long warfare of the Roses. In *King John*, we have the growth of that baronial power which was afterwards to be crushed with Warwick upon the field of Barnet; the campaign in France, where half the Sovereigns of Europe are engaged as actors, umpires, or spectators;—while the character of the gloomy John himself, impassive, heartless, but steadily moving towards his aim, and crushing every obstacle in his way with the indifference of a mechanical power, inspires a mingled feeling of awe and hatred. We see Richard II. exchanging vanity and vacillation for a regal composure under misfortune; Bolingbroke guarding with a sagacity, dignity, and firmness, which compel our respect, the crown which he had won by so questionable a title; or Henry V., redeeming the clouded morning of youth by the lustre of a noble manhood. The wars of the Roses, carried on, not by skirmishes and forays, but pitched battles, in which the noblest blood of England flowed on each side; with the sudden and almost inexplicable changes of fortune which they present, and the strange indomitable natures thrown up amidst these times of convulsion, prolong our suspense and enchain our wonder. Talbot, sustaining by the talisman of his terrible name the sinking power of England in France—Joan of Arc, counterworking that spell of fear by the charm of a divine enthusiasm; patient Henry, the centre point of rest amidst the storms that eddy round him; Margaret of Anjou towering before us in cruel and ghastly beauty;

princely Warwick, 'the setter-up and puller-down of Kings;' the brave but voluptuous Edward; the deep-brooding, sagacious, and cruel spirit of Richard III.; Catharine of Arragon, alone and unassisted, yet overawing her judges by the inborn dignity of a superior nature; Wolsey, fallen from the heights of ambition, and at last thinking that if he had served his God as he had served his King, he would not in his old age have been left friendless and forlorn;—these are but a few of the personages which pass before us on the scene; and never, perhaps, during an equal period, was the stage of the world crowded with such a group.

And yet, with all the aid which events of singular interest and variety, and characters of no ordinary mark and originality could afford, we must venture the confession, that to our minds many portions of this series of English historical plays are tedious and disjointed; that several of them present nothing approaching to a connected whole, or a satisfactory dramatic termination, but break like a narrative interrupted in the middle. And these defects, we think, arise precisely from the necessity of preserving the continuity of a series, and, at the same time, of reconciling historical fidelity in the sequence of events, with the limitations which the form of the drama prescribes. How many of the scenes of *Richard II.* might be effaced without injury,—nay, with advantage to the spirit of the play,—simply because the movement of the events is languid, indecisive, and unfit for dramatic exhibition? Would *Henry IV.* charm us as it does, had not Shakspeare elevated the subject from the sphere of simple history into that of the imagination; and lightened the prosaic and political character of its serious scenes, by the wit and gaiety of the comic group, of which Falstaff is the centre of attraction? How poor, in almost all respects, is the *Second Part of Henry VI.?* Take from it the short scene which paints the expiring struggle of Beaufort,—dying, and making no sign, and the rest might have been written by any third-rate Dramatist. And why? because such events as Margaret's passion for Suffolk, the accidental death of the Duke by pirates, and the meaningless *Jacquerie* of Cade, are wholly unsuited for Tragedy. The long reign of Henry VII. Shakspeare felt to be absolutely intractable; and, had he continued his Chronicle of that of Henry VIII. through the murders of his successive wives, instead of wisely terminating it with the birth of Elizabeth, and the fortunate auguries which it presents,—would even his plastic powers have been sufficient to redeem and elevate events so painful, odious, and degrading?

These occasional failures—these intervals of languor and tedium, we consider inseparable from all historical serieses; and we would therefore earnestly dissuade Mr White from continuing what we are satisfied will prove a thankless task. The petty incidents—the barbarous characters—the want of dramatic *motives* with which he will have to contend, during the period he has chosen, will prove a weight too great for any talent; and his, we are very ready to admit, is considerable. Had we not been impressed with the feeling, that, notwithstanding some obvious faults and shortcomings, he has within him the elements of an efficient dramatic writer, we should have spared this advice; but believing that half the blemishes and defects in these Plays arise from an unfortunate selection of subjects, and that matters are only likely to become worse if he shall continue his crab-like course backward from James VI. through the remaining Stuart line; we cannot too strongly press upon him the propriety of abandoning so hopeless an attempt, and betaking himself to themes of more general interest, and plots which have in them something of natural grandeur and dramatic movement.

What, indeed, can be made of such a subject as the 'Gowrie 'Conspiracy?' Interesting, in a historical point of view, only from the mystery in which it is shrouded, it is in every respect unsuited to tragedy. Doubtless the obscurity in which the whole plot is involved, gives Mr White considerable latitude as to the view he chooses to take of Gowrie's character and participation in the scheme. But let any view be taken—regard him either as a conspirator with Restalrig, or as an unconscious instrument in his hands—the whole plan appears so paltry in its object, so sordid in the details of its execution, so confused and accidental in its catastrophe, that the mantle of poetry is vainly cast around its native meanness and nakedness:—The object, to carry off and confine the King for a time at Fast Castle; the *nodus*, a pot of gold with which his avarice is to be tempted; and the issue, an unintelligible broil, and a series of chance medley assassinations!

Mr White has done as much for the subject as the circumstances admitted. By refining and elevating Gowrie's character—bestowing upon him learning, poetical feeling, enthusiasm, and scrupulous honour; and by a very graceful female creation in Catherine Logan, the daughter of Restalrig, a good deal is done to palliate and disguise the inherent vulgarity of the action, and the meanness of the motives which are at work. Restalrig, too—scheming, ambitious, but disguising a cunning and calculating spirit under a guise of frankness—heartless towards the world in general, but concentrating all his affection upon his

daughter—is drawn with firm, lifelike, and natural lineaments. The portrait of James, though unquestionably graphic enough, is overcharged. The colouring of falsehood, meanness, treachery, and cowardice, is laid on too thickly. We wonder that Mr White did not perceive, that the character is in itself so essentially repulsive, that its traits required rather to be softened and shaded away than brought forward into prominent relief. These ungainly outlines would have answered admirably had Mr White's object been to produce a Comedy, or to connect the Scottish monarch with a charm of ludicrous distresses and equivokes, as Sir Walter Scott has done in the *Fortunes of Nigel*; but in a Drama dealing with conspiracy and death, the too elaborate exhibition of pure meannesses of character, unredeemed even by any of the more imposing vices, becomes simply wearisome and revolting.

The best drama character of the play, however, is the old Countess of Gowrie. There is something really grand and impressive in this picture of the gloomy lady, brooding over a murdered husband, and a banished family, amidst the solitudes of Athol; breeding up her son to vengeance on his royal oppressor; on the eve, as she thinks, by means of a fortunate chance, of obtaining her long-cherished revenge, but doomed to see that hope blasted through an idle scruple of honour on the part of her son, and compelled to stand by, a helpless and horror-struck spectator, while her ancient house is involved in the whirlwind of a mysterious and sweeping ruin.

The following passage from a scene between Beatrix Ruthven, the sister of Gowrie, and Catherine Logan, the object of his attachment, will prove that if Mr White does not generally indulge in the vein of contemplative and descriptive poetry, it is not from any incapacity to deal with such themes. Catherine is describing to her friend her solitary life in her father's rocky fastness at Fast Castle:—

CATHERINE.

'Ah! Beatrix, though from my window lattice,
I see the great broad sun sink every night
Beneath the sea, and follow him in thought
To the far climes to which he turns his face,
And shakes the glory of his golden hair
On the other side of the world, where morning light
Pours in hot streams o'er plains of yellow sand,
And brightens into life the countless miles
Of old primeval forests, fill'd with birds
Bright pinion'd, and wild lions, and strange sounds;
Still—'tis a weary work to sit and weave
Fair pictures on the tapestry of our thoughts,

And see no real, breathing, moving life,
With all its joys—ay, and its gentle sorrows—
Come round us for whole years.

BEATRIX.

Ah! Catherine,
You are a dreamy girl! 'Twill do you good
To mix in our harsh earthly businesses,
In this loud, noisy, bustling, riotous world.

CATHERINE.

But if you knew how happy we were all
Since your two brothers came to stay with us!

BEATRIX.

Indeed? What did you do the livelong day?

CATHERINE.

We walk'd beside the sea; we clomb the hill;
We sat at night upon the bartizan,
And watch'd the twinkling stars above our heads,
And listen'd to John's voice—I mean Lord Gowrie's—
That fell so musical beneath the sky,
It seem'd as if it were strange melody
Drawn from the golden spheres. Ah me! 'twas sweet
To hear him tell of sweet Italian girls
Leaning o'er marble balconies at night,
And watching in the moonlight for the step
Of them they loved. I wept for one of them,
Till I could weep no more for any thing.
'Twas a young maid that met, in glittering halls,
A youth she ought not to have loved, for he
Had a death feud with all her father's house.
A gallant youth, and yet they loved the more,
That there was hatred 'twixt their families.
They met by night, and the night air (made rich
With all sweet plants, and many-colour'd flowers,
And murmuring fountains, and melodious songs
Of trancèd nightingales in the orange shades)
Grew richer with their sighs. The maiden's name
Was Juliet; and because she could not be
His bride in peace, she drank a mystic draught
To make her sleep, and look as if she died.
They buried her, though still upon her cheek
Lived the pale reflex of a damask rose,
For life was at her heart. At dead of night
Came down her lover to the tomb; Ah, me!
He saw but the cold features of his love,
And thought that she was dead; and so he drew

His sword, and—oh! I cannot tell the rest!
He stabb'd himself and died by Juliet's side.
Then she awoke from out her charmèd trance,
And, oh! alas! 'tis a sad story, love;
I can't help weeping;—both the lovers died.

BEATRIX.

And did you weep when Gowrie told the tale?

CATHERINE.

Oh! sweetly; for, dear friend, the tears we shed
O'er the sad fate of trusting lovers, when
We know that their deep sorrows are all hush'd
Within the grave, are not such bitter tears
As present sorrow summons to the eyes.
And then the telling was so beautiful!
Oh! it was worth all tears that I could shed,
To hear that voice, and linkèd sweet discourse
That bore the tale upon its trembling words,
Like a rich boat, filled with sad melodies,
Upon the silver current of a river!

BEATRIX.

Sweet Kate! I love you like a sister.'

Our next extract is in a different strain; and will exhibit in a favourable light the variety of Mr White's powers, and the vigorous dramatic diction which he can employ. James, in search of the hoped for treasure, ventured into Gowrie's house. He has seated himself on a bench in the hall, and is already in imagination gloating over the promised gold.

'(*The great door of the hall is opened; armed men enter and arrange themselves on each side.*)

[*Enter* COUNTESS GOWRIE.

JAMES (*alarmed and trying to conceal his fear.*)

Cousin, we are your loving guest to-day,
And give you here our royal hand to kiss.

COUNTESS.

This is no time nor place for kissing hands.
Know you this hall?

JAMES.

I ought to know it well.
I was your inmate for two months or more
Some few years since, when Ruthven——

COUNTESS.

Name that name
Once more, and all these fleshless arms shall rise

To hold the dagger to your heart. Sir! know you
Who stands before you? Name that name no more.
It once was mine, e'er sorrow and deep wrong
Unwoman'd me, and made me what I am.

JAMES.

Fair cousin,—pray you harbour not such thoughts.
I'm your true loving kinsman; your kind king.

COUNTESS.

You are a kinsman, but no loving one;
You are a king, but not a kind one. What!
You call you kind and loving when your hand
Is crimson'd with my widowhood of blood.

JAMES.

It was the law, fair cousin; 'twas the law;
I could not help it.—Zooks! I could not help it.
I wish he were alive—I do indeed—
He would not look so: he would talk more kindly,—
Indeed he would.—

COUNTESS.

Ruthven! take bodily shape—
Be palpable to other view than mine,
And look upon this man with the sad eyes
That night and day are fix'd upon my face.
Come forward from the shadowy abyss
Wherein you shroud your bloodless lineaments,
And ope your lips, damp from your crimson grave,
And give him fitter welcome to your hall
Than my poor voice can utter!

JAMES.

Pray you, madam,
Look not so wildly; there is nothing there;
Think of me not so harshly. Let me go;
I'm rested now. I pray you let me go.

COUNTESS. (*To the Guard.*)

Keep double watch upon the door. Your lives
Shall answer for his going! Oh! not yet;
Not yet we part after such years of absence.
I have not thank'd you for the sweet reply
You gave to my entreaties for my child!
It was a spurn, I think, from the arm'd heel
Of him you follow'd then, the upstart Arran.
What! can you look upon this heaving breast,

Nor feel a blush upon your craven cheek?
'Twas here his heel was planted.

JAMES.

Heaven forfend
That such a deed was mine! Arran is dead,
Or I would hang him high as Haman's gallows.
I always liked you, cousin, and your sons,
Both buirdly gallants. John's a famous scholar;
I like him. He's an excellent Latinist.
I pray you let me go to Restalrig,
He'll think I'm long of coming.

COUNTESS.

Let him think.
You go not hence. 'Twill be my life-long joy
To tend you. You shall leave my side no more.

JAMES.

Ha! no, it cannot be. You think not, madam,
To keep me 'gainst my will.

COUNTESS.

Your mother, sir,
Found careful nurse in stout old Margaret Douglas,
In Leven. I am warm'd with Douglas' blood,
And will be 'tendant on your majesty.

JAMES.

I thought not this. I came but as a friend—

COUNTESS.

It was not you that came, 'twas Heaven that sent you,—
'Twas Scotland's guardian angel moved you here;
For from these rugged walls—or ruggeder—
You budge not;—Oh! your time were wondrous short
In prison bonds, if I had power as will!

JAMES.

For heaven's sake! madam. Oh! for mercy's sake,
Let me not think you serious in your talk—
It was a jest—Oh! tell me 'twas a jest!
You mean not to detain me.

COUNTESS.

I have told you,
If I might shape my actions to my wish,
You should be free as air, ere sets the sun.

JAMES.

And wherefore not? Good cousin, tender cousin,
Take pity on a kinsman; set me free.

COUNTESS.

The freedom I would give you, is such freedom
As was your mother's gift from Shrewsbury,
When Death stood sponsor to the christening
Of the sharp axe. Man! look into your heart;
Can I forgive you? Is my blood all milk?
You slew my husband, basely, meanly slew him.
Can I, his wife—his widow, look on you
With other eyes than these? You leave me not
Till one of us is dead. You hear me, Ruthven.
I think a smile is sitting on your lips,
A stern hard smile, as is the vulture's glance,
When its uplifted nostril snuffs from far
The carrion—

JAMES.

Heaven have mercy on my soul!
The woman's mad. Oh! if you e'er knew pity,
I pray you, cousin, pity me. God knows,
I would give all I have to please you. What
Do you require of me? As I am a king,
A man, a gentleman, I'll not deceive you.
Say what you'd have me do,—I'll do it straight.
I'll take no council, save from you and John—
I'll give him what high office he desires,
Chancellor—treasurer—whate'er he likes—
But let me go. I pray you tell your men
To let me go.

COUNTESS.

Utter no promise here,
Or Perjury will shake the solid ground,
And gulf us in some horrible abyss.
Bethink you of the promises you swore
To Ruthven—how you broke them—how he died.
No—they shall never let you go. Your throne
Is empty, and your kingly title done—
Save as a vantage word for better men
To work with. Heaven and earth are tired and worn
With all your baseness.

JAMES.

But, my life is safe;
Cousin, sweet cousin, you'll not take my life?

COUNTESS.

We take your honour—take your kingly name,
Your power, your station—and you ask your life!—
Take it—we would not touch so mean a thing
As asking makes it. Live dishonour'd years,
While men sit basking in this realm, released
From the thick cloud that darken'd it so long.
(*To the guards.*)
Let no one enter. Guard the outer gates,
And keep this man a prisoner, on your lives. [*Exit.*

On the second of these plays, we shall not enter into any detailed criticisms. We shall merely say, that though ingeniously constructed for the purpose of displaying the talent of an accomplished actor, and effective as we have no doubt it was in the hands of the present chief boast of our Stage—it does not appear to us equal to its predecessor; and, in particular, we would advise Mr White in his next performance to bridle in his comic muse; for, as regards the facetious portions of *The King of the Commons*, it has seldom fallen to our lot to peruse more tragical mirth.

ART. X.—*Sophismes Economiques.* Par M. FREDERIC BASTIAT. 12mo. Paris: 1846.

M. BASTIAT has, in this well-written volume, collected and exposed the most popular Protectionist fallacies;—those sophistical arguments which are most frequently employed in defence of protective duties on Imports, and against the freedom of trade. The publication of such a book is of itself a proof that the doctrines of Free-Trade are beginning to make some progress in France; and that the countrymen of Turgot are not all deluded by that spurious patriotism which identifies the exclusion of foreign goods with the promotion of national interests. The simplicity and directness of the argument in favour of Free-Trade, ought, indeed, to secure it a ready acceptance in all countries where reason can make itself heard, and where sectional interests have not a complete ascendancy. But the present state of France is similar to that of England at the time when Adam Smith wrote his *Wealth of Nations.* The manufacturers and merchants were at that time the principal champions of the restrictive system in England; the agriculturists—as he observes—were not infected with the same selfish and narrow-minded spirit as

the trading part of the community.* The system of protection is, by the French tariff, extended indeed to *all* native products, whether of agriculture or manufacture; but the persons interested in manufactures are in France the most active and zealous advocates of protection. The landed interest principally desire protection in their capacity of owners of wood for burning. In England, however, partly owing to the vast increase of our manufacturing industry, and partly to the influence of the last war with France, the opinions and interests on this subject have been completely reversed since the time of Dr Smith. The manufacturers of England have ceased to confine their ambition to the supply of their native market; they work for the general market of the world. The monopoly of the English market is therefore no longer important to them; and instead of asking for the exclusion of foreign manufactures, they desire that all restrictions on foreign trade, which limit the external demand for their goods, should be abolished. On the other hand, the agricultural body has adopted the cast-off prejudices and alarms of the manufacturers and merchants;—that system of selfish error which, from its authors and promoters, obtained the name of the *Mercantile System.*

During the war, corn, although the importation was from 1800 to 1815 practically free, rose, on various accounts, to a very high price.† The range of high prices during this

* 'Country gentlemen and farmers are, to their great honour, of all people the least subject to the wretched spirit of monopoly. Country gentlemen and farmers, dispersed in different parts of the country, cannot so easily combine as merchants and manufacturers, who, being collected into towns, and accustomed to that exclusive corporation spirit which prevails in them, naturally endeavour to obtain, against all their countrymen, the same exclusive privilege which they generally possess against the inhabitants of their respective towns. They accordingly seem to have been the original inventors of those restraints upon the importation of foreign goods, which secure to them the monopoly of the home market.'—*Wealth of Nations*, book iv. ch. 2. This passage was quoted by Sir Robert Peel, in his Speech on the introduction of the Corn-law measure, at the beginning of this Session.

† The average prices of the imperial quarter of wheat for the following years, stood thus:—

Year.	Average Price. s.	d.
1810,	106	5
1011,	95	3
1812,	126	6
1813,	109	9

An allowance must, however, be made for the depreciation of the currency during this period.

period produced a double effect. In the first place, the existence of scarcity and dearness during the war, combined with the violent anti-commercial policy of Napoleon, had created a genuine conviction of the importance of relying on home-grown corn, exclusively of foreign supplies.* The Corn-law Report of 1813, in which the modern protective policy of this country originated, puts forward the danger of this commercial dependence, as the main argument for prohibition; and it particularly dwells on the probability of large supplies of grain being obtained from Ireland, for the supply of the manufacturing population of England, under an improved system of cultivation. In the next place, the agricultural interest, having been accustomed for several years to an extraordinary height of prices, were desirous of preventing a sudden and (apparently to them) ruinous depreciation. Accordingly, the Report of 1813 recommended that the importation of flour and meal should be totally prohibited; that the importation of wheat should be prohibited when the price was under 105s; and that, when it reached this price, it should be admitted at a duty of 24s. 3d. a quarter.† These propositions, which now sound almost fabulous, were, at the time, considered fair and reasonable by statesmen still living; and it was then thought by persons favourable to freedom of commerce, that the government, which took up the subject in 1815, had made a great concession in fixing the point of prohibition at so low a price as 80s. instead of 90s. or 100s.—the amounts proposed by Sir Henry Parnell and the other advocates of restrictive policy.‡ In consequence of the corn-law established in 1815, and modified by successive mitigations into the sliding-scale of 1842, the agricultural interest learnt to believe that their prosperity was identified with protection, and that rents would fall, or the land even go out of cultivation, if the duties on foreign corn were not maintained. During the same period, partly by the extension of the market for our own manu-

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* Mr Tooke, in his *History of Prices*, vol. i. p. 309, has given some curious details as to the increase of the expenses of freight during the later years of the war. In 1809-12, the freight and insurance from the Baltic to London, was, on an average, for a quarter of wheat, 50s; in 1837, it was 4s. 6d. For a load of timber, the same expenses were L.10 in 1809-12; and L.1 in 1837.

† This Report is printed at length in Hansard's *Parl. Hist.* vol. xxv. app. p. 55. An abstract of it may be found in the *Annual Register* for 1813: *State Papers*, p. 371.

‡ Sir H. Parnell's opinions on this subject afterwards underwent an entire change, and he became an advocate of a free trade in corn. See his speech on Mr Villiers' motion, House of Commons, 15th March 1838.

factures, and partly by the repeal of protective duties on foreign manufactures,—commenced by Mr Huskisson, continued by the administrations of Lord Grey and Lord Melbourne, and consummated by Sir Robert Peel,—the manufacturing and, to a great extent, the trading classes of the country, had been deprived of their interest in favour of commercial restrictions. Their opinions and conduct, no longer misled by self-regarding considerations, naturally inclined to that policy which is favourable to the interest of the general public. Hence there were petitions in favour of free-trade, signed by the principal merchants and traders of London; hence the Anti-corn-law League—a body mainly composed of members of the manufacturing interest, and supplied with funds by their contributions—attacked the protection enjoyed by the agriculturists, instead of making common cause with them, for the maintenance of *all* protective duties; and even proclaimed its advocacy of universal free-trade. It is by this separation of interests that the cause of the consumer, of the mere member of the general public—not belonging to any organised body, or enrolled under the standard of any peculiar interest—has become triumphant. The joy of King Priam at the quarrels of the Grecian chieftains could not have exceeded the wondering delight with which Adam Smith would have heard of the English manufacturers and traders having become the champions of free-trade, and assailing the protective duties on agricultural produce. So long as all the powerful interests of a community—agricultural, manufacturing, and commercial—are bound together in a compact and firm alliance for the maintenance of a prohibitive system of import duties, the unconnected, undisciplined aggregate of consumers are, in the present state of opinion and intelligence, utterly helpless against such a coalition. But if, from any circumstances, the interests of those who have to sell begin to conflict, the cause of those who have to buy has some chance of success. Such has already been the case in England; and we will venture to predict, that, so soon as the protected interests of France, Germany, and the United States, begin to fall out amongst themselves—so soon as they cease to make a common prey of the consumer, and are found to do more harm to one another than to the public—then, and not till then, will the prohibitory tariffs of these countries be relaxed.

Since the open transition of Sir Robert Peel and Sir James Graham to the cause of universal free-trade, and the introduction of the comprehensive measure of commercial reform at the beginning of this session, it may be said that, with one exception, all the leading statesmen of the present day,—all the public men who are likely, for some years to come, to guide the deliberations of

Parliament,—are favourable, not merely to the abstract principles of freedom of commerce, but to their practical application, and their adoption as rules of legislation. It is now generally admitted, that the protection of native British industry, whether manufacturing or agricultural, by means of duties on imports, intended not for revenue but for exclusion, is a false and vicious system, and is to be abandoned in practice. Nevertheless, although it is conceded that *native* industry is not to enjoy a monopoly; and that the producers of Great Britain and Ireland are to be exposed to the salutary competition of the whole world; yet there still abides among us a delusion—partly sentimental and partly politic—that protection ought to be given to *Colonial* industry. We ought not, it is granted, to protect native hardware, or silks, or corn; but we ought to protect the sugar or coffee of the West and East Indies; the wines of the Cape, and the timber of Canada; and to give these products the monopoly of the British market, to the exclusion of cheaper and better foreign articles, and to our own manifest and undeniable detriment. It appears to us that the time has now arrived, when this question deserves a separate consideration in this Journal; and we therefore propose, without going into details, or expressing opinions on the expediency of particular rates of duty, to lay before the reader our views upon the origin and policy of the system of protecting the produce of British Colonies, by discriminating duties levied in the ports of the United Kingdom.

When the European nations had, in consequence of the extension of navigation, formed distant settlements in America and Asia, the main advantage to be derived by a mother country from the possession of Colonies and Dependencies, was supposed to consist in the *monopoly of their trade.* This monopoly, as Bryan Edwards has remarked,* had a very wide extent. It consisted in the monopoly of supply, the monopoly of export, and the monopoly of manufacture. The colony was permitted to trade only with the mother country, and was prohibited from commercial intercourse with the rest of the world. It was compelled to receive its supplies, both of raw and manufactured articles, from the same source. It was compelled to bring its produce to the same market, and to bring it in a raw state; in order that the natives of the paramount nation might enjoy the

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* *History of the West Indies,* vol. ii. p. 565. The subject of Colonial Trade, with the various restrictions and regulations by which it has been fettered, and the consequences of these restrictions, is well treated by Mr Merivale, in his *Lectures on Colonisation and the Colonies,* vol. i. chapters 7 and 8.

profits derivable from its manufacture. What the colony had to sell, it was to sell at a cheap rate to the mother country. What it had to buy, it was to buy at a dear rate from the mother country.

Upon this jealous and restrictive system, not only the foreign possessions of Spain and Holland, and the other continental countries, were administered, but even those of England, up to the American war. So completely had it been established in opinion, as well as practice, that this was the natural relation between a dependent colony and its mother country, that the American colonies of England acquiesced in the system; and would doubtless have, for a time at least, retained their allegiance in spite of its existence, if the attempt to tax them directly for the benefit of the mother country had not been made.

The American war and its event gave to the world a memorable lesson on the necessity of moderation and forbearance in the exercise of the rights of a mother country over its colonies. The writings of Adam Smith and his followers, likewise, by degrees opened the eyes of the English government and people to the mischievous effects of the old colonial system; so that, since the end of the last century, the commercial restrictions upon the English colonies have been relaxed, and a more liberal policy has been adopted.

Much of the old exclusive system is however retained by Holland, France, and Spain, in the few colonial possessions which these countries possess.* Thus, as the Spaniards formerly prohibited the cultivation of the vine and olive in their American colonies; so the French now prohibit the cultivation of the vine in Algeria; † a settlement whose agricultural prosperity would not seem to threaten any serious danger to the most timid and jealous of the vine-growers of France. England still maintains, for the benefit of the native sugar-refiners, the prohibition to refine sugar in her West India Islands; although this manufacture could be carried on profitably

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* On the commercial system adopted by Spain and Holland towards their respective colonies, see M'Gregor's *Commercial Tariffs*, Part vi. p. 154; Part xiii. p. 121. It appears that Spain has now relaxed all the rigour of her ancient colonial monopoly.

† See *The French in Algiers*, p. 74. It is a singular circumstance, that the Romans had made a similar prohibition in Gaul, when it was a dependent province. 'Nos vero, justissimi homines, (says Cicero,) qui Transalpinas gentes oleam et vitem serere non sinimus, quo pluris sint nostra oliveta nostræque vineæ; quod quum faciamus, *prudenter* facere dicimur, *juste* non dicimur.'—*De Republica*, iii. 9.

in those colonies. The distillation of spirits from sugar in the United Kingdom is likewise prohibited; and this prohibition is still enforced, although it can have little practical effect. However, since the abolition of the commercial privileges of the East India Company, and the permission of a direct trade in provisions between our West India Islands and the United States, by the reforms of Mr F. Robinson and Mr Huskisson, the English colonies are subject to no very material restrictions, as to industry and trade, imposed for the benefit of the mother country.*

While this restrictive system was, to a considerable extent, still maintained for the English colonies, a plan of reciprocity was devised, which was to compensate the colony for the restrictions to which it was subjected. It was thought that the sacrifices made by the mother country and colony ought to be mutual; that, if the mother country enjoyed a preference in the market of the colony, the colony ought to enjoy a preference in the market of the mother country. A system of discriminating duties, by which an advantage was given to colonial produce imported into the mother country, was accordingly introduced. The theory of this contrivance is as follows:—the mother country knowingly subjects the colony to certain commercial or industrial disadvantages, for her own sake. In return, she subjects herself to certain disadvantages of a like nature, for the sake of the colony. The two communities make an alliance for mutual injury, to be voluntarily inflicted on each other, and to be borne by each party without complaint. The contract is not, as in natural and

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* M. Thiers, in his *Histoire du Consulat et de l'Empire*, liv. xvi. ad init., (tom. iv.,) has imagined a strange theory in order to account for the relaxation of the colonial monopoly, without tracing it to a more enlightened state of opinion upon political and commercial subjects. 'The European nations (he says) produce what they used to import; instead of being commercial they are manufacturing; instead of importing sugar, muslins, and cotton prints, they make these articles for themselves at home. *Au grand spectacle de l'ambition coloniale a succédé de la sorte le spectacle de l'ambition manufacturière.*' This view embodies another form of the favourite fallacy of *commercial independence*. It may be remarked, that in proving the worthlessness of colonies in the present state of the world, M. Thiers may seem to console his countrymen by an argument somewhat similar to that in the fable of the fox and the grapes. Of India, the value of which used to be greatly magnified by French politicians, he disposes as follows:—'L'Inde enfin, sous le sceptre de l'Angleterre, n'est plus qu'une conquête *ruinée par les progrès de l'industrie Européenne*, et employée à nourir quelques officiers, quelques commis, quelques magistrats de la métropole.'

unregulated commerce, *Do ut des;* but *Lædo ut lædas.* The balance of profit and loss, when reduced to its elements, stands thus: I make a gain by doing you an injury; and, in compensation, I permit you to make a similar gain by doing me a similar injury. It seems like an attempt to embody the *lex talionis* in mercantile transactions. And thus far the plan is successful. The injury which each party undertakes to inflict on the other, is actually inflicted and punctually suffered. But (as we shall see presently) the benefit which is to accrue to both parties, is often altogether absent, and is never fully enjoyed. So far as the scheme involves a loss, it is always successful; so far as it promises a profit, it is generally unsuccessful.

The most remarkable cases in which this policy has been pursued by England, are Canada timber and corn, West India sugar, spirits, and coffee, and Cape of Good Hope wines.

During the late war, in consequence of the seizure of the Danish fleet, and the rupture with Denmark in 1807, it was feared that the supplies of Baltic timber might be interrupted. And although, up to the first years of this century, England was exclusively supplied with timber from the Baltic, and had not derived any supplies from North America, yet it must be admitted that there was some ground for this apprehension. The price of Memel timber, which in 1802 had been 78s. per load, rose in 1809, with only a slight increase of duty, to 320s. per load. Accordingly, Mr Vansittart, the Chancellor of the Exchequer, and Mr George Rose, the President of the Board of Trade, devised the singular plan of providing against this contingency, by an immense increase in the duties on European timber, and an almost total repeal of those on American timber. This discrimination of duties has been mitigated by various changes since the peace, particularly by the tariff of 1842; but even, after the alteration made by the tariff act of this session, the interval is still very wide, as will appear by a comparison of the three first items under the head of timber.

Timber or wood, not being deals, battens, boards, staves, handspikes, oars, lathwood, or other timber or wood, sawn, split, or otherwise dressed, per load of fifty cubic feet.	From foreign countries. £	*s.*	*d.*	From British possessions, after 5th April 1848. £	*s.*	*d.*
	—	15	0	—	1	0
—— deals, battens, or other timber, for wood, sawn, or split, per load of fifty cubic feet.	1	0	0	—	2	0
—— staves, per load of fifty cubic feet.	—	18	0	—	2	0

The result of this system has been, that an immense importation of the inferior timber of Canada has taken place; and that the good and cheap timber of the North of Europe has been in great measure excluded. Cases even occurred of ships being laden in the Baltic with timber, and making the voyage to Canada and back to England, in order to introduce their cargo as American timber. The timber trade between England and Canada, as compared with that between England and the Baltic, has for the last few years been nearly as ten to one. The rates which are introduced by the act of this session still leave an immense protection to Canada timber; while they nearly sacrifice the Revenue upon an article of large importation, not subject to contraband.*

The Cape of Good Hope was acquired by England in 1795, and finally annexed to the crown in 1806. Unfortunately for us, the cultivation of the vine had been introduced into this colony by the Dutch, through the assistance, it is said, of French refugees, after the revocation of the Edict of Nantes. It seems as if nature had nearly limited the making of wine to Europe. In spite of the later fables concerning the Indian origin of Bacchus, he was essentially a European Deity. Nor have the settlements of modern states, or their improvements in the arts of cultivation, much extended his domain. Except Asia Minor and Persia, Madeira and the Canary isles, with some districts in Mexico,† the Cape is the only place out of Europe where wine is made. And it seems from the description of Dr Henderson, in his *History of Ancient and Modern Wines*, to be thoroughly unsuited to this production. The vineyards which yield the Constantia wine have a natural fitness for the grape; but the soil of the colony is in general unfavourable to the growth of wine. Moreover, the culture is unskilful, and the processes of the vintage are ill conducted; so that, according to Dr Henderson, a large proportion of the wine is 'execrable.' During the war, however, and the existence of the anti-commercial system of Napoleon, it was thought by our government that the supply of wine from the Continent might be interrupted, and that it would be a prudent policy to rely on the produce of a

* Concerning the Timber Duties, see this Journal, vol. xliii. p. 341. M'Culloch's *Commercial Dict.*, Art. 'Timber.' Porter's *Progress of the Nation*, vol. ii. p. 122. Merivale's *Lectures on Colonisation*, vol. i. p. 202.

† In California and the Mexican province of Cuihuela adjoining Texas, wine is made to a considerable extent, though not sufficient for the consumption of the country. This wine is strong and full-bodied, but the culture is unskilful. Some wine is made in the state of Ohio, but of poor quality.

British colony. Accordingly, a proclamation of the Governor, in December 1811, offered great encouragement to the growth of wine at the Cape of Good Hope;* and by an act of 1813, (53 G. III. c. 84,) Cape wines were admitted into the United Kingdom at a *third* of the duty on Spanish and Portuguese wines. With this protection, the produce rose in ten years from 859,195 to 2,249,910 imperial gallons, (or 7335 to 19,230 leggers.) The importation of Cape wines into the United Kingdom, in the year ended 5th January 1845, was 423,336 gallons; while that of French wines was only 725,308. The duty on Cape wine is 2s. 9d. a gallon, on other wines 5s. 6d.

The British West India Islands have long enjoyed a preference in our market for their sugar. During the existence of slavery, the sugar produced in our islands was equal to the demand of the mother country, and the discrimination had not much effect. But since the emancipation of the slaves, the supply of sugar has fallen off, and the exclusion of foreign sugar has begun to operate. The quantity of sugar imported from the British West Indies into the United Kingdom, was 4,103,800 cwts. in 1831, and 2,508,910 cwts. in 1842. In 1836 the duty on colonial sugar was 36s. a cwt., on foreign sugar 63s. Since that time, the duty on colonial sugar has been reduced, and a discrimination founded on a new principle has been introduced. Under the act of last year, the duties stand thus, until the 5th of July 1846.

	s.	*d.*	
Brown sugar, the produce of a British possession,	14	0	per cwt.
Do. Foreign, not the produce of slave labour,	23	4	
Do. Foreign, the produce of slave labour,	63	0	

Rum is likewise admitted at a discriminating duty of nine shillings per gallon, while the duty on foreign spirits has been 22s. 6d., which the tariff-act of this session reduces to 15s. The excise duty on spirits made in England is 7s. 10d. a gallon.

Coffee imported from foreign countries is now subject to a duty of 6d. per lb.; if imported from British possessions, to a duty of 4d. Previously, this discrimination had been as great as 1s. 3d. and 6d., with a duty of 9d. for coffee imported from any British possession within the limits of the East India Company's charter, *not being the produce thereof.* Under this regulation a singular practice arose. As the Cape of Good Hope was within the limits of the East India Company's Charter, large quantities of coffee were sent to it from Brazil, Cuba, and other foreign countries, in order to be 'colonialized,' (as it was

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* See Montgomery Martin, *British Colonial Library*, vol. iii. p. 236.

called,) and then imported into England; in other words, in order, by this circuitous navigation, to obtain the benefit of the lower rate of duty. The quantities of coffee imported from the Cape, and admitted for home consumption in the two years, 1830 and 1842, stand thus:—

	lbs.
1830, - - - - -	189
1842, - - - - -	6,149,489

This costly system of smuggling, (similar to that mentioned above with respect to timber,) was suppressed in 1842, by rendering foreign coffee so imported liable to the high duty. The discrimination has, moreover, been since mitigated, and amounts now only to 2d. per lb.*

A very different feeling, with respect to the encouragement of colonial coffee, prevailed in the reign of Charles II. The Lord Keeper Guilford, being consulted by the government in 1679, as to the legality of coffee-houses, gave it as his opinion, that 'as the coffee-houses are nurseries of idleness and pragmaticalness, *and hinder the consumption of our native provisions*, they may be treated as common nuisances.' A proclamation was accordingly issued for shutting up all coffee-houses, and forbidding the sale of coffee in the metropolis; but it led to so much complaint, especially among persons connected with the foreign and colonial trade, that it was soon recalled.†

Corn was admitted from the British possessions in North America at a discriminating duty, by the 31 Geo. III. c. 30. passed in 1791. This act imposed a simple sliding-scale of duties, consisting of only three degrees; viz., a high duty of 24s. 3d. per quarter, and two low duties of 2s. 6d., and 6d. per quarter. By the arrangement of this scale, a small preference was given to North American corn, as will appear from the following Table:—

Duty on wheat per quarter.			Imported from Ireland or a British colony in North America.		Imported from any other foreign country.	
s.	*d.*			*s.*		*s.*
24	3		under	48	under	50
2	6	When the price is	at or above and under	48 52	at or above and under	50 54
0	6		at or above	52	at or above	54

* On the coffee duties, see Porter's *Progress of the Nation*, vol. ii. p. 118; vol. iii. p. 42.

† See Lord Campbell's *Lives of the Chancellors*, vol. iii. p. 455.

The act of 44 Geo. III. c. 108, (1804,) made this scale more prohibitory, by raising the points at which importation began, and at which the low duty came into operation, but maintained about the same proportions between foreign and North American corn. Ireland, with respect to the duties on corn, remained subject to the same regulations as the North American colonies up to 1806; in which year an act was passed placing its corn-trade on the footing of a coasting trade. On the 15th of June 1813, Sir H. Parnell moved certain resolutions on the corn-laws,—stating at the same time, that the corn-law Report of that year was intended to render the United Kingdom independent of the Continent for the supply of corn, and to lower prices. One of these resolutions (No. 8) was to the effect, that corn the growth or produce of Quebec, or the other British colonies in North America, might be imported into the United Kingdom without duty. This proposition was not adopted; but in the corn-law act of 1815, wheat from a British colony in North America was admitted when the price was 67s. per quarter, whereas foreign wheat was not admitted until the price reached 80s. (55 Geo. III. c. 26, s. 6.) By the act of 1822, the prices at which North American and foreign wheat could be imported were respectively reduced to 59s. and 70s. (3 Geo. IV. c. 60, s. 5.) In 1825, an act was passed (for a year, and until the end of the then next session of Parliament) by which wheat could be imported into the United Kingdom, from British possessions in North America, without restriction as to price, at a fixed duty of 5s. per quarter,* (6 Geo. IV. c. 64.) Up to this time the discriminating duty in favour of colonial wheat had been confined to the North American colonies. By the act of 1828, wheat imported from any British possession in North America, or *elsewhere out of Europe*, was admitted at a nominal duty of 6d. when the price was at or above 67s. a quarter; when below 67s. at a fixed duty of 5s. (9 Geo. IV. c. 60.) This duty was rendered still more favourable to the colonial producer by the act of 5 Vict. c. 14, (1842,) which converted the fixed duty of 5s. into a sliding-scale varying from 5s. to 1s., the nominal duty beginning when the price was 58s. With respect to Canadian wheat, this limited scale was repealed, and a fixed duty of 1s. substituted, by the 6 and 7 Vict. c. 29, (1843.) Prior to the passing of the latter act, the Canada legislature imposed a duty of 3s. a quarter upon foreign wheat imported

* As to the unfounded alarm created among the agriculturists by this Bill, see the speech of Mr F. Robinson, 8th March 1827.—16 *Hansard*, p. 1055.

into Canada. The quantity of wheat imported from Canada into the United Kingdom has never been large; in 1844 it amounted to 235,591 quarters. By the measure of this session, all corn imported from British colonies out of Europe is immediately admitted at a nominal duty.

We have likewise extracted from our Customs Tariff, as it stands after the amendments of the present Session, the articles, not hitherto mentioned, which are subject to discriminating duties, for the protection of imports from British colonies and possessions. We have, in order to exhibit the scale of protection afforded, divided these articles into eight classes; showing the different proportions of the duty on the *foreign*, to the duty on the *colonial* import.

Class I.—Duty on the foreign article combined with free importation of the colonial article—
- Anchovies.

Class II.—Duty on the foreign article twelve times and upwards—
- Rice, rough and in the husk.
- Tallow.

Class III.—Sextuple duty—
- Copper ores containing more than twenty per cent of copper.
- Ginger preserved.
- Marmalade.

Class IV.—Quintuple duty.
- Arrowroot.
- Butter.
- Cassava powder.
- Eggs.

Class V.—Quadruple duty—
- Copper ores containing not more than twenty per cent of copper (nearly).
- Lead, pig and sheet.

Class VI.—Triple duty—
- Apples, raw.
- Cassia.
- Cheese (nearly).
- Cocoa paste, or chocolate.
- Copper ores containing not more than fifteen per cent of copper.
- Hams (nearly).
- Liquorice juice (nearly).
- Puddings and sausages.
- Tamarinds.
- Tongues (nearly).

Class VII.—Double duty.
- Bandstring twist.
- Bast ropes, twines, and strands.
- Boxes.
- Bricks or clinkers.
- Cables.
- Capers.
- Chalk.
- Cinnamon.
- Cocoa.
- Coir rope.
- Comfits (dry).
- Copper, unwrought.
- Cordage.
- Cotton manufactures.
- Cucumbers, preserved.
- Gauze of thread.
- Ginger.
- Hair.
- Hides.
- Honey.
- Nickel, wrought.
- Liquorice roots and paste.
- ——— powders (nearly).
- Mats and matting.
- Onions.
- Poultry, alive or dead.
- Raisins.
- Rice.
- Seeds.
- Starch.

Tiles.
Tin ores.
Twine.
Woollen manufactures.

Class VIII.—Less than double—
Nutmegs.
Soap, hard and soft.*

From these examples, it appears that, since the end of the last century, there has been a prevailing disposition to give to colonial produce a preference in the market of the mother country. During the war, this disposition was strengthened by a sincere though mistaken fear of commercial dependence, and a belief that the hostility of Napoleon would be able to close the Continent permanently against us. Its principal source, however, was a desire to afford encouragement to colonial industry; and, by this bounty, to attach the colonies more firmly to the parent state. The latter policy has seemed the more prudent, inasmuch as England, since the American war, has been disinclined to grant the same popular institutions to its colonies as were conceded to the early settlements in North America and the West Indies. Recent acquisitions, such as Trinidad, St Lucie, the Cape of Good Hope, the Mauritius, Malta, and Ceylon; and recent colonies, as those in Australia, have not received houses of assembly. It seems, therefore, to have been thought, that for the want of free local institutions, some compensation might be afforded by the grant of commercial privileges, advantageous to the colony, and detrimental to the mother country.

Having given this outline of the system pursued by England with respect to its colonial trade, we will proceed to consider whether this country would be justified in making colonial protection an exception to the general principle of commercial freedom; and in retaining, for the supposed benefit of colonial industry, a system of monopoly which it renounces in behalf of its own producers.

For this purpose, we must begin by ascertaining the view which is to be taken of the advantages derivable, in the present circumstances of the United Kingdom and the world, from the possession of dependent colonies.

The colonies and dependencies of England yield no tribute or revenue to the paramount state. No payments are made by any of our colonies into the British Exchequer. Instead of lightening our fiscal burdens, they are sources of expense. Their protection against actual or apprehended attacks is costly. A large part of our military and naval expenditure is incurred on their account. The late hostilities in Afghanistan, China,

* Some of these discriminations were introduced by the tariff of 1842. See the debate on Lord Howick's motion, House of Commons, 13th May 1842.—(63 *Hansard*, 512-49.)

and Scinde, with the recent campaign on the Sutlej; the insurrection in Canada, and the preparations for the defence of Oregon; afford obvious instances of the onerous obligations which extensive Empire imposes upon the ruling state. Moreover, the fortification of colonial possessions is a further source of expense. With the exception, too, of Gibraltar and Malta, and the newly-acquired post of Aden, they cannot be said to increase our military and naval strength; inasmuch as they scatter our forces, and extend our lines of operation over half the world. And not only do they create the necessity for larger military and naval establishments in time of peace, but they involve us in wars to which otherwise we should not be exposed. Beyond the very questionable benefit of apparent power, (which may lead to jealousy as well as to fear,) we derive no advantage from the mere supremacy over remote provinces; from our being able to say that the Queen of England has so many million subjects, and that her dominions include so many thousand square miles; that the sun never sets on the British Empire; that the English language is spoken in every clime, and that the flag of England floats in every latitude. That we do, however, in the present state of the world, derive much substantial advantage from our colonies, cannot be doubted; but that advantage, as it appears to us, consists, not in the barren attribute of Sovereignty, but, principally, in the facilities which they afford for commercial intercourse.

At the time of the peace of Amiens, Bonaparte had conceived the wildest schemes of colonial aggrandizement for France; he was to establish a chain of dependencies in America, Africa, and Asia, by which the influence of France would predominate over the whole world. Every thing, in his mind, assumed the form of conquest and military encroachment; and he could imagine no other foundation for the greatness of France than the ruin of England. That two independent countries could simultaneously flourish; that they could even derive benefit from each other's prosperity; were, to his mind, propositions so evidently false as not to require refutation. Even Napoleon, however, accustomed as he was to look at every thing as a general, and not as a civil governor, was captivated with the commercial prospects of colonies; and constantly associated with them the ideas of a mercantile marine, and an extension of external trade.

In what, however, do the commercial advantages of colonial possessions consist? They consist simply, as it seems to us, in the power which the mother country thereby enjoys of securing a fair and open market to her goods. They consist in her power of preventing the colony from excluding her from its market, by restrictions and discriminating duties, and all the perverse follies which the union of national jealousy with false systems of

political economy has engendered. If the colony were independent, it would, supposing it to understand its true interest, admit the goods of the mother country upon the same terms of equality as it does when dependent. It would do voluntarily what it now does under compulsion. But looking to the established errors on the subject of trade, to their general currency, and to the strength and speciousness of the prejudices with which they are associated, we may be certain that such would *not* be its conduct. It would, however small in extent, attempt to set up a separate industrial and commercial system. Certain bodies of producers and traders would raise a cry about native industry; and the public, partly from simplicity, and partly from national antipathies, would yield to the interested delusion. Some of the Oriental countries, too, (as China and Japan,*) prohibit nearly all commercial intercourse with foreigners. If the obstacles opposed to our trade with these countries, are contrasted with the facilities which we enjoy for trading with Hindostan, we perceive the commercial advantages which our territorial sovereignty may confer. For these reasons we have, in the present state of the world, a substantial interest in the dependence of our colonies. We can secure an open market and a free trade, so long as we can procure a safe passage over the seas, and maintain the allegiance of the subject territories.

Notwithstanding the limited population of most of our colonies,† and their contracted means of purchase, the extent of our colonial trade is considerable, as compared with our trade with foreign countries. The following table will show the proportions for the three years 1839—41.

	Declared value of British Manufactures exported	
Years.	To all the World.	To British Colonies.
1839	£53,233,580	£16,279,103
1840	51,406,430	17,378,550
1841	51,634,623	15,153,632‡

* On the rigorous exclusion of foreign traders from Japan, see M'Culloch's *Dict. of Commerce*, Art. 'Nangasacki;' and an interesting volume on *The Manners and Customs of the Japanese*, published at London in 1841.

† Setting aside the territories of the East India Company, the only two dependencies of the British Crown which contain a population exceeding 400,000, are Canada and Ceylon.

‡ See Porter's *Progress of the Nation*, vol. iii. p. 433.

In round numbers, about thirty per cent of the exports of England are sent to the colonies. Considering the great wealth of the European countries, and the United States, and the proximity of the former, it is remarkable that the colonial should bear so large a proportion to the foreign trade; and the extent of the exports to the colonies can only be explained by the freedom of intercourse with them, which we owe to our political ascendancy.

Generally, therefore, the advantages which we derive from the possession of colonies may be said to consist in this:—that, in consideration of the responsibility and expense of superintending their government, and defending them against hostile attack, we require them to trade freely with us. They are separate political communities, each with its peculiar, though not sovereign, government—managing its own public revenue and expenditure, levying custom-duties of its own, and maintaining a distinct system of taxation—but not permitted to use its power so as to impose restrictions and disabilities upon the trade of the mother country.

But the commercial advantages derivable from the possession of colonies have this, and no wider extent. No benefit can accrue to the mother country from attempting to incorporate distant and scattered colonies into her own fiscal system; and to draw a line of commercial privilege between her own colonies and foreign countries. A Zollverein for the colonies of England is an absurdity.

What is the principle of the German Zollverein? A number of adjoining states, having a general similarity of interests, climate, population, and language—some of them single towns, as Frankfort—others being territories not larger than an English county—maintain separate Customs Establishments. Custom-house lines are drawn round each state, so that a traveller may pass through the territories of two or three states, and be subjected to a separate examination and payment of duties in a single day's journey. These states agree to abolish all the internal customs' lines, to levy their custom-duties only upon the external frontier of the confederacy, to pay them into a common treasury, and to divide the fund so formed according to a scale mutually agreed upon. This arrangement is practicable and convenient. Setting aside the *rates* of duty, (which we are not now considering,) it is beneficial both to the confederated states and to the rest of the world;—to the native consumer, to the merchant, and to the traveller. Each state retains its separate revenue system for *other* taxes. Its land tax, its excise duties, its stamp and postage duties, are collected by its own officers, and paid directly into its own coffers. But with respect to custom-duties, it be-

longs to a larger system of states, which levies them for it, and from which it receives its proper share of the common fund.*

There is no necessary coincidence between custom-house lines and the frontiers of an independent state. They may be either more or less extensive. Before the measure of Turgot in 1774, the importation of corn from one province of France to another was prohibited. In like manner, the trade between Ireland and Great Britain was not put on the footing of a coasting-trade till the year 1825. There are still internal custom-duties in the British dominions in India. The German League, on the other hand, has extended the circle of its custom-house lines so as to include many independent states. The principle on which this league is founded, is highly beneficial in its operation; and is an advance in civilization, by tending to weaken national distinctions, to multiply the pacific relations of independent states, and to create a community of interests. But, however important and advantageous it may be, it requires, in order to obtain success and permanence, the union of several conditions, which are not of frequent occurrence. 1. The communities must be contiguous to one another, so that the entire confederation may be surrounded by a single custom-house line. 2. The custom-duties must be collected for the common account, be paid into a single fund, and afterwards divided amongst the separate states. 3. There must be such a similarity of circumstances and interests, as to render the continuance of the arrangement probable; and to induce the members to acquiesce, without serious dissatisfaction, in the joint management and collection of the duties, and their subsequent division according to a fixed scale.

The principle of the German customs' league is applicable, for example, to the Italian states; it is applicable to Holland and Belgium, provided these countries could forget their mutual animosity, and combine for a purpose of common advantage. But to a system of communities such as England and her colonies, it is utterly inapplicable. The colonies of England are scattered over every part of the globe. If we made a colonial customs' union, our custom-house lines must reach to the Antipodes. In order to be consistent, we must include Canada, Jamaica, the Cape, Australia, and Hindostan, with the British isles, in one custom-house system. The fundamental conditions for such an arrangement are wanting. These communities, distant from England and from each other, cannot be brought within one external line of duties, nor can the internal lines be abolished.

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* On the German Customs' Union, see this Journal, vol. lxxix. p. 108-9.

Neither can their duties be levied on a common account; each must continue to maintain its separate and peculiar custom-house. Upon a moment's consideration, it is manifest that a colonial customs' union, so far as the Empire of England is concerned, is an impossibility.

For a similar reason, we cannot accede to the opinion of Mr M'Culloch (with whose views on this subject we generally concur,) that the trade with the colonies should, as far as circumstances will permit, be conducted on the footing of a *coasting-trade.** By a coasting-trade, we understand a maritime trade carried on between different parts of the country, which is subject to the same custom-house system. For example, the trade between Edinburgh and London, or between Marseilles and Havre, is a coasting-trade. Now we are unable to understand how the trade between London and Quebec, or Calcutta, or Sydney, can ever be brought into the form of a coasting-trade. With communities so distant and so dissimilar, no identity of economical interests, for fiscal purposes, can be established. Even such an approximation towards a joint fiscal system as was made by the Canada corn act of 1843, shows the inapplicability of the principle. By this act it was attempted to bring the English and the Canadian corn-grower within the pale of a common protection, excluding from it all foreign corn. But one of the main arguments for the protection of British corn was the existence of peculiar burdens on land; which rendered the native producer less able to compete against the foreign corn-grower. Now these burdens were not shared by the Canadian farmer; and therefore the admission of Canadian wheat at a nominal duty, while foreign wheat was subject to a heavy tax on importation, was utterly subversive of this leading argument for the maintenance of the corn-law.†

But, even if a colonial customs' league is impossible for England, if the custom-duties of our vast and scattered Empire cannot be centralised into one uniform system, is it not just and politic to give a preference to colonial imports into the United Kingdom? If the mother country must retain a customs' tariff distinct from the tariffs of its colonies, ought it not to establish a discrimina-

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* 'Being integral parts of the empire, the trade with the colonies should, as far as circumstances will permit, be conducted on the footing of a coasting-trade.'—*Dict. of Commerce*, Art. 'Colonies and Colony Trade,' p. 320, ed. 1844.

† The distinction between a dependency of the crown, and a district of the United Kingdom, with respect to commercial legislation and custom-duties, is well explained by Lord John Russell in his speech on the Canada corn-law, 22d May 1843. It had been stated in debate,

tion of duties between goods imported from colonies and from foreign countries, in favour of the former? In order to answer this question, we will revert to what has been already said with respect to the commercial advantage derived by a mother country from the possession of colonies;—viz. that it consists, not in assuming the *monopoly* of the colonial market, but in securing its *freedom:* not in excluding the rest of the world, but in protecting yourself against exclusion. If the commercial policy of England was managed on this principle, the colonies would not be entitled to ask for compensation in the shape of a monopoly of the home market. They would not be subjected by the mother country to any commercial disadvantage which would call for indemnity. They not only have no substantial interest in a system of isolation, in duties for protecting their native industry; but they ought, if they understood their true interest, to be most grateful to the mother country for saving them from the introduction of this ruinous folly. So long as England avowedly maintained a colonial monopoly *for her own benefit*—so long as she regulated the trade of the colonists to their detriment and her supposed advantage, the case wore a different complexion. There was a sacrifice on the side of the colony, which might give a claim for a corresponding sacrifice on the side of the mother country. England, however, has now abandoned this restrictive system, and allows the colonists to trade freely without giving her goods the preference. Nevertheless, she retains the discriminating duties against herself, which were intended to serve as a counterpoise to the loss suffered by the colony. She makes a sacrifice as a compensation for an injury which she no longer inflicts. In an excess of devotion, she expiates by an enduring penance a sin which she has ceased to commit.

Let us consider the effect of the system of discrimination in favour of colonial produce, with respect to the interest of the mother country and its consumers, and of the colony and its producers.

When a discriminating duty on colonial produce is in opera-

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that the colonies are integral parts of the Empire, and ought to be governed as an English county. Lord J. Russell observes, that Canada is indeed an integral part of the Empire, but that, commercially speaking, it cannot be governed on the same principles as an English county. Canada, he remarks, does not share our fiscal burdens, or contribute to the common defence of the Empire. Moreover, it imposes import duties upon our manufactures. This is not the case with an English county. Lincolnshire does not impose duties on goods imported from Yorkshire.—(69 *Hansard*, 742.)

tion, the effect is this. If importations take place regularly under *both* rates of duty—that is to say, if the article is imported as well from foreign countries as from the colonies—the price is raised to the same amount as if the duty upon *all* the imports stood at the maximum rate. For example, if coffee is imported at two duties; viz., foreign coffee at 6d. and colonial coffee at 4d. per lb., the price to the English consumer is the same as if there were an uniform duty of 6d. per lb. The revenue loses the difference between the sum received on the colonial imports, and the sum which would have been received if an equal quantity of coffee had been imported under the high duty. The English consumer gains nothing by the discrimination, inasmuch as the price paid in England is regulated by the price at which the coffee subject to the high duty can be sold. The effect of the discrimination is simply to cause a larger *quantity* of colonial coffee to be imported. But although the quantity of importations at the low duty may be greater than it would be if there was an uniform rate, the profits made by the growers and importers of the colonial article are not raised above the average rate—in as much as the trade is open, competition lowers them to the general level. With respect therefore to the *mother country*, a discriminating duty raises the price to the level of the high duty; and deprives the revenue of the difference between the sum paid upon the colonial importations, and the sum which would have been paid if an equal quantity had been imported from foreign countries. With respect to the *colony*, it merely directs a larger amount of capital into the protected trade; which capital yields, however, only the average rate of profit.

Now, looking to the colonial side of the question, it is to be observed, that in a newly settled country, containing large tracts of unoccupied or half-occupied land, there are in general abundant facilities for the profitable employment of capital. The field of enterprise is large, but capital and labour are scarce. In such a territory, capital, if fiscal laws do not create a fictitious motive for a different employment, will be attracted to those investments which are most profitable to the individual, and most advantageous to the colony. It is no advantage to a colony such as Canada, that its capital should be diverted from agriculture to wood-cutting. The effect of such an interference with the natural course of improvement, is well described by Mr Lyell, in the following passage:—'I heard,' he says, speaking of Nova Scotia—'frequent discussions on the present 'state of the *timber-duties*, both here and in Canada; and great 'was my surprise to find the majority of the small proprietors, 'or that class in whose prosperity and success the strength of a 'new colony consists, regretting that the mother country had

'legislated so much in their favour. They said that a few large 'capitalists and shipowners amassed considerable fortunes, (some 'of them, however, losing them again by over-speculation,) and 'that the political influence of a few such merchants was natu- 'rally greater than that of a host of small farmers, who could 'never so effectively plead their cause to the government. But, 'on the other hand, the labourers engaged during the severe 'winter at high pay, to fell and transport the timber to the coast, 'became invariably a drunken and improvident set. Another 'serious mischief accrued to the colony from this traffic;—as 'often as the new settlers reached the tracts from which the 'wood had been removed, they found, instead of a cleared region, 'ready for cultivation, a dense copsewood or vigorous under- 'growth of young trees, far more expensive to deal with than 'the original forest; and, what was worse, all the best kinds of 'timber, fit for farm-buildings and other uses, had been taken 'away, having been carefully selected for exportation to Great 'Britain. So that, while the English are submitting to pay an 'enhanced price for timber inferior in quality to that of Norway, 'the majority of the colonists, for whom the sacrifice is made, 'feel no gratitude for the boon; on the contrary, they complain 'of a monopoly that enriches a few timber-merchants, at the 'expense of the more regular and steady progress of agriculture.'*

The *protection* which the parental solicitude of England has afforded to the timber trade of its colony, has therefore proved a barren gift, yielding a return of dissatisfaction rather than of gratitude.

On the other hand, the mother country is necessarily a loser. A discriminating duty can never be advantageous to the country which establishes the discrimination. We can conceive no state of things, in which discriminating duties on colonial produce imported into England, can be advantageous to England. At the utmost, they may not be disadvantageous. For example, during the existence of slavery in our colonies, the means of producing sugar, at a moderate price, in our West India islands, may have been so great, and the competition so effectual, that the protection was inoperative; so that the price of sugar in the United Kingdom would perhaps not have been lower, if the competition of the foreign sugar had been let into our market upon equal terms. But cases of this sort are rare. In general, the discrimination either enhances the price, or (what is equivalent) causes the consumption of articles of an inferior quality. Of the first case, the present state of the Sugar-Duties affords an example.

* Lyell's *Travels in North America*, vol. ii. p. 224-6.

For the sake of our West Indian colonies, and the interests involved in them, we now pay a considerably higher price for sugar, than we should pay if the trade was open indiscriminately, at a moderate duty, with the whole world. Both the consumer and the revenue are losers by the present scale of duties. The result of this system of self-sacrifice, is (as M. Say has remarked,*) that no countries in Europe buy their sugar at so high a price as those which have sugar colonies! Those countries (as Italy) which have none, obtain their sugar at the lowest cost. Of the forced consumption of articles of inferior quality, the timber of Canada and the wines of the Cape afford instances. We have imported, and still import, large quantities of inferior deal from Canada, simply because Canada is our colony. Permanent national detriment has resulted from this discrimination of duties. The enormous number of buildings and public works which have been constructed in London, and the manufacturing and populous districts of the country, since the peace, have been deteriorated in value by the use of an inferior quality of timber, peculiarly liable to dry-rot. So, in consequence of the lower rate of duty, England annually imports more than 400,000 gallons of the extremely bad wine which is made at the Cape, and which is used chiefly as a menstruum for the wine manufacturer. Little of it appears to be sold avowedly as Cape wine; it is chiefly passed off in an adulterated form, as Spanish or Portuguese.

It may however be said, that although a country would lose by imposing a discrimination on imports from different foreign countries, (for example, England, by admitting the wines of Portugal at a lower duty than those of Spain and France;)—yet it is the interest of a nation possessing colonies, to give a preference to their imports, not on *their* account, but in order to secure its own commercial independence. It may be compelled to make war against an independent state, with which it had previously maintained commercial relations; but (unless it should rebel) it can never be at war with its own colony. Such (as we have already seen) was the view with which the discriminating duties on Canada timber were established, (avowedly intended to be only temporary;) and such, too, was the origin of the privilege given to Cape wine. Probably, too, the proposition of Sir Henry Parnell in 1813, to admit North American corn without duty, had a similar foundation; for the dread of commercial dependence was then at its height. That the theory of commercial independence, which has an attractive and patriotic look, should

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* *Cours d'Economie Politique*, tom. iii. p. 410.

have gained credit during the violent disturbance of commerce produced by the wars of Napoleon—that people should have looked out for some apparently immovable spot in the midst of the earthquake caused by his reckless ambition—was not unnatural; but it was a singular delusion which led our government to suppose that this security was to be found in discriminating duties. If the timber-trade with the Baltic was interrupted by the closing of the Sound, Canada timber would spontaneously, without the aid of duties, be brought into our market. So, if all intercourse with the Continent was to be permanently broken off, (a supposition extravagantly improbable,) a natural demand for the Cape wines would be created in England.

The theory of commercial independence seems to us fitted only for an Utopian state of things; for a golden age of the world, when every country shall, of its own accord, produce all things. So strong are the motives to commercial interchange, and so steady the common interest in its maintenance, that no large nation has, so far as we are aware, been unable, even in time of war, to carry on foreign trade. Athens, indeed, near the time of the Peloponnesian war, was able, out of enmity to the petty neighbouring state of Megara—about as large as an English parish, or a French commune,—to cut off its supplies, and to threaten it with starvation.* But it would be utterly impossible, even for a first-rate naval power, to blockade all the ports of a large nation, and intercept all its land communications. A thousand interests would be at work to defeat the prohibition. The failure of Napoleon's Continental System—which was undermined from within and without, by licenses, by smuggling, by corruption, by connivance, by fraud—is a sufficient proof that the most despotic power, and the most unscrupulous use of it, are not able to close the avenues of foreign commerce. However, even if it were possible for a powerful country, in time of war, to interrupt the foreign trade of its enemy, it does not follow that commercial independence, based on a trade with distant colonies, would be of any value. Let us, for example, suppose the most unfavourable state of things with respect to the foreign trade of England; viz. a war with France and the United States at the same time. If, during these hostilities, England could maintain her maritime ascendency, she could secure the continuance of her foreign trade, either direct or in-

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* See *Aristoph. Acharn.*, 535. The Megarians complained, in the Congress at Sparta, that they had been excluded, not only from the market of Athens, but also from the harbours in the subject islands and territories. *Thucyd.* i. 67.

direct. The belligerent states would not be able to interrupt her commercial intercourse with other powers; nor, indeed, either directly or indirectly, with their own subjects. On the other hand, if England could not maintain her maritime pre-eminence, and keep the seas open to her vessels, she would be unable to carry on her trade with her remote possessions, such as Canada, the West Indies, the Cape, Australia, and Hindostan. A large country, such as France, or an extensive confederacy of contiguous states, as Germany, may, to a certain extent, render itself independent of foreign trade, by the variety of its native products, and the power of preserving its internal communications during war. But what is the worth of that commercial independence which assumes the power of maintaining, in time of war, an unbroken intercourse with the most distant regions of the globe? Of what avail is it, that we are exempt from the bondage of European timber and wine, if we are to fetch the one from Canada, and the other from the Cape? The *panacea* for the evils of commercial slavery turns out, on examination, to be no remedy at all, but rather an aggravation of the calamity.

But while we are attempting, by a system of discriminating duties, to provide against the interruption of commerce consequent upon war, do we not forget, that by this very system we are sowing the seeds of hostilities, and multiplying the chances of the occurrence of the evil which we seek to counteract? By establishing differential duties in favour of our colonies, we exclude from our ports the produce of foreign countries, or admit it on less favourable terms. Regulations of this sort, tending to the discouragement of the industry and trade of foreign countries, are naturally considered by them as unjust and unfriendly. Such distinctions, therefore, engender feelings towards us of no amicable nature, and must rank among the causes which lead to war. At all events, a system of exclusion and discrimination, directed against foreign countries, cannot fail to prevent the formation of that community of interest and feeling, which naturally springs from unfettered commercial intercourse, conducted upon equal terms.

It will, however, be said, that even if it should be apparent that colonial protection is detrimental to the mother country, yet it ought to be maintained for the sake of the colony. The colony, it will be argued, is an integral part of the empire; it is a possession of the British crown; its inhabitants are our fellow-subjects; and it is our duty, not less than our policy, to show favour to its interests, and to strengthen its allegiance, by according preferences to its trade.* The parental relation of the

* 'Is it wise for you to *set up* (?) this line of distinction be-

mother country to the colony, furnishes, according to this view, a ground why the more powerful state should make sacrifices of a commercial nature, for promoting the interests of the dependent community. This reasoning, however, obviously proceeds in a vicious circle, and returns upon itself. It is first proved, that the possession of colonies is advantageous to a country on account of the encouragement and extension which they give to its trade. The expenses of civil government, and of military and naval protection, and the increased chances of war, are admitted to be evils; but it is said that a compensation for them is found in the commercial facilities which the colony affords to the parent state. When, however, it is objected, that the mother country is a loser in regard to its trade, and that it sacrifices its commercial interests to the colony; then it is answered, that in order to preserve the allegiance of a valuable colony, and to cultivate the affections of our colonial subjects, we must submit to disadvantages by which their trade and industry are benefited. This species of logic reminds us of the reasoning which is sometimes used to justify the common practice of 'throwing good money after bad.' A person is advised to engage in some speculation on the ground that it will yield him a large profit. He makes the attempt—invests his money in buildings and machinery, and, instead of gaining, finds a large deficit. His impulse is to sell all his stock at the best price he can obtain, to escape from the enterprise as speedily as possible, and thus to avoid all additional loss. But his advisers represent to him the value of his fixed capital, and the large sacrifices which he has made in order to engage in the undertaking; and they therefore urge him to raise more money in order to make a further attempt. He builds in order to gain; but when the enterprise has been attended with loss, he proceeds to spend more money upon an unpromising concern, because he has built expensive works. So we obtain colonies for the sake of their trade; and then make sacrifices in colonial trade in order to retain our colonies.

If the preceding views are correct, it follows that a system of colonial protection, by means of discriminating duties and concealed bounties, is unsound and impolitic; and that the notion of a colonial custom's union is thoroughly impracticable.

Supposing protection to be afforded with respect to an article of colonial produce, not grown in the mother country, (for example, sugar or coffee;) then, as we have shown, the mother

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tween yourselves and your fellow-countrymen in Canada?' Lord Stanley, Speech on Canada Corn-law, 19th May 1843, (69 *Hansard*, p. 598.)

country is almost necessarily a loser. No real reciprocity exists, even if the system of excluding foreign produce is adopted on both sides; for one market is larger than the other. The advantages which the monopoly of the market of the mother country offers to the colony, are far greater than those which the monopoly of the colonial market offers to the mother country. At present, however, even this semblance of reciprocity does not exist, so far as this country is concerned; for England no longer limits her colonies to her own produce. She has abandoned her restrictions on the colonies, though she upholds the privileges to colonial goods by which she suffers. If there is no reciprocity, neither is there any community of interests. Wherever the article is exclusively of colonial growth, the colony and the mother country have avowedly separate interests. The colony sells and the mother country buys. It is the interest of the mother country to buy in the cheapest market, but she is excluded from the cheapest market by her own discriminating duties, and confined to the produce of her own colony.

If the article is produced both in the mother country and the colony, and protecting duties common to the produce of both countries are imposed, (as in the case of Canada corn,) then the protection rests on a different ground. An attempt is made to bring the producers of both countries within the same circle of protection, and to consider them, for this purpose, as members of one community. It is, to a certain extent, an endeavour to create a colonial Zollverein. If, however, any body will consider the principles of the German Zollverein, and apply them consistently to our Colonial Empire, he will speedily discover the dissimilarity of the cases, and the impossibility of success; he will, we think, soon convince himself that it is necessary to regard the colonies as separate, though not independent communities, for custom-house purposes; and to abandon the idea of bringing them within a system of import duties common to themselves and the mother country. For fiscal purposes, the colonies ought to be as foreign countries, with which a perfectly free trade prevails. Each colony has its own tariff, and raises its own revenue of customs, which it applies to the exigencies of its own service. The mother country can watch over these various tariffs; it can prevent the exclusion of its own commodities by prohibitions and discriminating duties, and can secure an uninterrupted free-trade with its colonies. On the other hand, it ought to permit its colonies to trade freely with all the world, and to open its own ports at fair revenue duties to all colonial products; but without giving them an undue preference, detrimental to its own interests, by discriminating duties.

If the attempt to establish a colonial customs' union were made

consistently, it would lead to far more extensive consequences than those which our present legislation has sanctioned; and would inflict upon the people of England far more serious privations and losses than the system of colonial protection has hitherto produced. The principle of colonial protection has been applied capriciously and irregularly. There are several important articles which we might obtain from our colonies, but which are not subject to discriminating duties. For example, there is a protection for colonial sugar and coffee, but not for colonial tobacco or cotton. There is, moreover, the utmost variety in the *amount* of protection afforded; the duties vary from an approach to equality up to ten and twelve times the amount. At times no object seems too small for the microscopic vision of the colonial protector. Thus, there is a protection of 2d. per lb. upon colonial anchovies. Upon oranges there is no discrimination; but colonial marmalade enjoys a protection of 5d. per lb. The importer of colonial tapioca and sago is left by our tariff to bear the full brunt of the foreign competition in these articles; but we have not been regardless of colonial interests in the item of arrow-root, which is protected by a discrimination of 4s. per lb. Our differential duties have in some cases been fixed with a minuteness of adaptation to circumstances, which would, no doubt, command our admiration, if we understood the grounds of the distinction; but which does not at once explain itself to the casual observer. For example, there is no protection for colonial *dried* apples; but colonial *raw* apples are favoured by a discrimination of 4d. per bushel. The duty on colonial tin-ore is half the duty on foreign tin-ore; but for tin manufactures there is no discrimination. Cattle and meat are, under the tariff of this Session, to be imported without duty; but colonial poultry, alive or dead, still retains over foreign poultry the advantage of a double differential duty. The same measure likewise extends this benefit to colonial 'cucumbers preserved in salt.' We regret, however, to be unable to discover that fresh cucumbers, or even melons, the produce of our colonies, have any preference in our tariff; certainly 'fruit, raw, and not otherwise enumerated,' is subject to the same duty of five per cent *ad valorem*, whether imported from a foreign country or a British possession.

Fortunately, it has never been attempted to apply the principle of colonial protection systematically to our tariff; or to confine the consumption of these islands to the produce of our colonies for all articles which can be grown in them. Almost all the discriminations have been established with a view to the interests of some particular colony. Even in last Session, when Mr Hutt moved in the House of Commons a resolution for extending the Canadian scale of corn-duties to the Australian colonies, the

motion was resisted by Ministers, upon the ground that the concession had been made with reference to the special circumstances of Canada.* It may be added, too, that the rule of the customs' law with respect to manufactures, destroys to a great extent the principle of excluding foreign produce under a discriminating duty. Thus, American wheat imported into Canada cannot be imported into England as Canadian wheat. But American wheat imported into Canada, and there ground into flour, can be imported into England as Canadian flour, and thus obtain the advantage of the low duty. The truth is, that if the corn-law of 1842 had been maintained, a principle had already been introduced, which, if *consistently* pursued, ought to have permitted all the corn of Danzig and Odessa to have been ground into flour in Heligoland and Gibraltar, and imported into England at a nominal duty.

It is fortunate for this country that the system of colonial protection has not been driven to its utmost possible limits; and that the consumer in the mother country has not been consistently sacrificed to the colonial producer. But, although the principle has not been applied universally, it has been established in many extensive branches of import, and under the existing protection vested interests have been created which would suffer by a change of law. For example, the wine establishments of the Cape, and the sawmills of Canada, would, to a great extent, be abandoned if the inequality of duties on which their artificial life depends was removed. And however little advantage it may have been to Canada, for example, that its capital should be diverted from the cultivation and improvement of the soil, to cutting timber, and the lumber-trade; yet as the investment has been made, and the buildings and machinery erected, the owners of that property would undoubtedly now endure a loss, if the protection was suddenly withdrawn. Accordingly, the legislative assembly of Canada, in their recent address to the crown, speak of 'the happiness and prosperity of the people of 'this colony, advancing in steady and successful progression under 'that moderate system of protection of her staple productions, 'grain and lumber, which Her Majesty and the Imperial Parliament have hitherto graciously secured them;' and they intimate a loyal fear, that 'should the inhabitants of Canada, from 'the withdrawal of all protection to their staple products, find that 'they cannot successfully compete with their neighbours of the

* On the inconsistency of not extending the same principle to other colonies, see Lord Howick's speech in the debate on Mr Hutt's motion, 8th May 1845.—*Hansard*, vol. 80, p. 333.

'United States in the only market open to them, they will naturally and of necessity begin to doubt whether *remaining a portion of the British empire will be of that paramount advantage* which they have hitherto found it to be.' *

In cases where a purely artificial branch of production has been created by fiscal legislation, the cessation of which is demanded by the general welfare, it would be harsh and unjust to make a sudden change, without any regard for the interests which have been called into being by the act of the government. A striking instance of an artificial industry of this kind, created by protecting duties, (not indeed in favour of colonies, but against them,) is afforded by the beet-root sugar of France. After the existence of this manufacture for some years, under the shelter of protective duties, it was found that the loss to the revenue, and the high price to the public, were no longer tolerable, and it was decided to put an end to the system. It was first proposed to give a compensation of forty million francs to the growers of beet-root, and to prohibit the home manufacture; but it was ultimately thought preferable to adopt a gradual change, and to raise the duty on home-made sugar by annual increments, until it reaches the duty on colonial sugar. This transition began in August 1844, and the change will be complete in August 1848. A similar choice of means presents itself for the extinction of the more important of our colonial protections. We might either give compensation to the vested interests, (which, with respect to the Canada sawmills, and the Cape wine establishments, would undoubtedly be an advantageous bargain for the public;) or we might make the abolition gradual, and thus afford time for the withdrawal of capital invested in the protected industries, and for the adaptation of the colonial interests to the altered state of the law.

The following is, in a few words, a summary of the principles

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* Address of 12th May 1846. In his answer to this address, Mr Gladstone says—'Her Majesty's government conceive that the *protective principle* cannot with justice be described as the universal basis, either of the general connexion between the United Kingdom and its colonies, or even of their commercial connexion.'—*Despatch to Lord Cathcart*, 3d June 1846. (House of Lords, sessional paper, No. 169.) By the *protective principle*, is here meant the principle of protecting colonial industry at the expense of the mother country. Not only is Mr Gladstone's proposition undeniably true; but (if he had been looking merely to historical truth) he might have added, that the generally received maxim with respect to colonial trade was formerly *the very reverse*—viz. that the industry of the mother country was to be protected at the expense of the colony.

upon which the relation of England to her colonies—especially with reference to her colonial trade—ought, in our opinion, to be regulated. It should be constantly borne in mind, that each colony is a separate and distinct community, occupying a territory distant from England, though politically dependent upon the imperial government. Owing to this separateness and remoteness, its local and subordinate government ought to be conducted as much in accordance with the opinions and wishes of the inhabitants as is compatible with the condition of political dependence, and the maintenance of the supremacy of the British crown. For the expenses of its military and naval defence, England must not expect any direct compensation. Nor ought she to subject the trade of the colony to any restrictions for her own exclusive advantage. She ought to assume no preference in the markets of the colony, and should rest contented with the establishment of a perfectly free trade on both sides. She ought to permit her colony to trade freely with all the world, and open her own ports to its products. But, on the other hand, she ought not to sacrifice her own interests, by levying at home discriminating duties for the supposed benefit of the colony;—a system of fiscal privilege which excludes cheaper and better foreign goods from her own markets, and gives just offence to foreign nations.

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No. CLXX.

ART. I.—*Letters to the Right Honourable Lord John Russell, on the Expediency of Enlarging the Irish Poor-Law, to the full extent of the Poor-Law of England.* By G. POULETT SCROPE, Esq. M.P. 8vo. London: 1846.

THE people of Ireland and of Great Britain are among the most dissimilar Nations in Europe. They differ in race, in religion, in civilisation, and in wealth. To extend similar laws and institutions to countries not merely widely different but strongly contrasted, is to act in violation of all sound legislation and wise government. Yet such is the course we have pursued in Ireland—such the system by which she has been governed. We have transplanted into that country the laws and institutions in use amongst ourselves, without duly inquiring as to their fitness and adaptation to the condition of her people—as if whatever suits us must suit them. We have neither prepared the soil, nor considered whether the climate would ripen the fruits which, in our blind and selfish calculations, we vainly expected to gather.

It is no doubt true, that when neighbouring countries, originally distinct states, become subject to the same Sovereign, the laws and institutions of each will influence those of the others; and if one member of the United Empire far exceeds the rest in

wealth and population, its example will, in many respects, be irresistible. But though, in this way, the Imperial Legislation for Ireland must always be somewhat warped by the necessity of considering what exists in England, we hope that we shall no longer see in it the prevalence of blind imitation. We hope that no more laws will be transferred to Ireland merely because they exist in England. We hope that the English institutions which Ireland has as yet escaped, will not be forced upon her by a mere spirit of system. Above all, we earnestly hope that England will not impose upon her institutions, of which the utility is questionable—which produce perhaps a balance of good, against which is to be set a great, though perhaps an inferior, amount of evil—unless we are convinced, that it is not merely possible, or even probable, but certain, that the same scale will preponderate in Ireland. And we not only hope, but trust, that, when such a question arises, the opinions and the wishes of the Irish People will have their weight; that we shall not abuse the omnipotence which the Union gave to the British portion of the Imperial Parliament, by setting at nought, on an Irish question, the decision of the Irish members; by treating them as if *they* were ignorant of their own country, and *we* understood it,—by acting, in short, as if our superiority in strength implied superiority of knowledge, not only as to our own affairs, but as to theirs.

Those who have watched the tendency of English opinions in Irish matters must know, that we are not here supposing an imaginary case. Among the English laws from which Ireland as yet is in a great measure free, there is one of which both the good and the evil are enormous. Such are its powers of mischief, that it threatened, not twelve years ago, to destroy the industry of the most laborious, the wealth of the richest, and the morality of the most civilized nation in Europe. Our readers are of course aware, that we allude to the English Poor-Law. In a former Article,* we traced the History of this institution. We showed that its origin was an attempt to restore or preserve the expiring system of prædial slavery. From the Statute of Labourers passed in the year 1349, down to the thirty-ninth of Elizabeth, passed in 1597, the Legislature strove, by restrictions more vexatious than those of any continental police, and by punishments more savage than those of Russia—by chaining, whipping, branding, mutilation, and death—to prevent the labouring population from changing their employers, or leaving their parishes; and to force them to

* No. CXLIX of this Journal, for October 1841.

do the work and accept the wages which the Justices (that is to say, their employers, the landlords) should fix. To be 'a person 'able to work, not having a lord or master'—that is to say, to be an able-bodied person out of work, or to be a 'loiterer'—that is to say, a person searching for employment out of his parish, was a crime for which a man or a woman was to be whipped, on the first offence; sold as a slave, 'to be fed on bread and water, 'and refuse meat, and caused to work by beating, chaining, or 'otherwise,' for the second; and hanged for the third.

Of course, persons thus confined to their parishes must be supported there. The earlier statutes assumed, that the able-bodied slave would be made to earn his maintenance, and the impotent receive alms. But, in the sixteenth century, the practice of almsgiving was checked,—by the suppression of Convents, the diminished influence of the Clergy, and the prevalence of a religion which does not, like the Roman Catholic, treat blind indiscriminate charity as a virtue. And the increase of manufactures and of agricultural improvement, required the employer of labour to possess capital. The labouring classes were in a worse condition than that of ordinary slavery. If they left their parishes, they were whipped, branded, and chained. If they stayed there, no fund was set apart for their maintenance. To provide such a fund was the principal object of the legislation of Henry the VIII., Edward, Philip, and Mary and Elizabeth. The 27th Henry VIII. enacted, that it should consist of voluntary alms, to be collected and applied by the churchwardens, and two others of every parish. The 1st Edward VI. cap. 3. associated with them the curate. The 5 and 6 Edward VI. cap. 2, followed by the 2 and 3 Philip and Mary, cap. 5, invoked the aid of the Bishop. All these attempts seem to have failed; and the consequences of so brutal an oppression are strikingly shown in the preamble of the 14 Eliz. cap. 5, which recites, 'That all parts of this realm of England and Wales be presently 'with rogues, vagabonds, and sturdy beggars, exceedingly pes-'tered; by means whereof daily happeneth in the said realm hor-'rible murders, thefts, and other great outrages;'—these rogues, vagabonds, and sturdy beggars, being persons who ventured to seek abroad the maintenance which was not afforded to them at home. Elizabeth was not to be trifled with. After enacting that rogues, vagabonds, and sturdy beggars, shall, for the first offence, be grievously whipped and burnt with a hot iron of the compass of an inch; for the second, be deemed felons; and for the third, suffer death; the statute orders the 'justices of the peace by their 'good discretion, to tax and assess all the inhabitants of their 'divisions at such weekly charge as shall be sufficient to main-

'tain the impotent, and "settle to work the rogues and vaga-'bonds," and, to commit those who refuse payment to gaol, un-'til they be contented with the orders of the justices, and perform 'the same.' The principal difference between this act, and the celebrated Forty-Third of Elizabeth is, that by the latter the duty of assessing, collecting, and applying the parochial fund, is transferred from the Justices to the Churchwardens, and two or more householders to be appointed by them—the modern overseers. The purposes to which that fund was to be applied remained unchanged; they were 'the necessary relief of the lame, im-'potent, old, and blind poor, not able to work; and the setting 'to work all persons having no *means*,' (a word then signifying property,) 'and using no ordinary or daily trade of life to get 'their living by.'

We shall not fatigue our readers by enumerating the steps, some of them actual enactments, and others administrative abuses, by which the simple and comparatively safe provisions of this act —the Forty-Third of Elizabeth—were perverted and extended; until at length, in the pauperized portions of England, the overseer was the distributor of employment, and the justice the regulator of wages. We ought not indeed to use the word wages, for in the proper sense of that word there were none. Wages imply a contract; they imply an exchange of values, in which a given amount of labour is purchased by an equivalent in money. When a man was paid by the overseer eight shillings for standing six days in the pound—when he was put up to auction and received threepence a-day from his employer, and one shilling and ninepence a-day from his parish, when he was billeted on a farmer, who was required to pay him two shillings and sixpence a-week if single, four shillings if married without children, and eighteenpence more ahead if he had children—these payments were not wages. Such, however, in the beginning of 1834, was the condition of the labouring population in many thousand English parishes! Such was the regimen which was to train them to the industry, the providence, and the honesty on which the prosperity of a country depends.

Is a law, of which such were the practical effects, a law which can safely or justly be transferred to Ireland?

We shall be told, perhaps, that we are fighting with shadows, and combating dangers of our own creation: that no one proposes any thing so monstrous, as the inflicting on any other portion of the Empire the English Poor-Law, as it existed before the Poor-Law Amendment Act. We hope that this is true. But, when we see that many of those who demand an Irish Poor-Law, demand also the repeal of the Poor-Law Amendment Act; or, what

is the same thing, the abolition of the Commission which alone gives it life, we cannot but suspect that, whether they know it or not, this monstrous proposal is the real measure for which they are clamorous. Mr Scrope, however, whose *Letters to Lord John Russell* we have taken as the text of this article, has endeavoured to exempt himself from this reproach. He demands for Ireland the *Elizabethan* poor-law. But the Elizabethan poor-law extended its charity only to the 'lame, impotent, old, and blind.' As regards the able-bodied, it was not a law of charity or of economy, but of Police. It required that persons having no property and using no trade should be set to work. We have already shown that under the previous acts such persons were criminals—liable to punishments more cruel than any which the existing law can bear to inflict. The able-bodied, industrious labourer,—the man who *has* an ordinary or daily trade of life, but loses his employer or finds the produce of his hands or of his fields unequal to his support,—is not within the 43d of Elizabeth; he cannot under that statute be relieved as impotent, or set to work as a rogue. He was left by the act to voluntary charity, which was soon largely assisted by permanent funds provided by the donations or testaments of individuals. Most of the charities established generally 'for the poor' of a given parish, were created in the seventeenth and the early part of the eighteenth century; that is, while the provisions of the 43d of Elizabeth were substantially enforced. Of course, persons who could be relieved under the act were not to participate in them; for that would have been a mere diminution of rates—a charity not to the poor but to the rich. They were intended for a class who, as Lord Hale remarks, are excluded from the Act—the industrious poor whose wages are insufficient.

Now, these are the persons for whose supposed benefit Mr Scrope wishes to legislate. It is an abuse of words, therefore—it is an attempt to seduce the judgment by using one term to express ideas essentially distinct—to call his scheme the Elizabethan poor-law. The only known example of his plan was Paraguay, under the Jesuits. Under that government, the country was divided into districts, or, as we call them, parishes, each under the superintendence of its priest. The priest, or rather the officers whom he appointed, assigned to every inhabitant his task, and distributed among them according to their numbers, the whole produce of the land. As the ordinary motives to exertion were wanting, as no one could increase his share by industry, or diminish it by inactivity; idleness and indolence were made crimes, and punished by imprisonment or stripes. The system, like all systems of the kind, became a mitigated slavery; and this we

firmly believe would be the result of Mr Scrope's proposal, if it were possible that it could be adopted and maintained.

His plan, as far as we can understand it, is contained in the following passages:—'Make a law,' he says, 'enacting that 'every man willing to work shall have work and wages.* 'Give a title to relief to every one in danger of starving, and 'require it to be given to the able-bodied in the form of work. 'Let the terms be his willingness to work for such wages as 'will support his family.'† 'My purpose,' he says, in a subsequent letter, 'is the compulsory employment of the labourers, 'by means of the English Elizabethan poor-law, not in bone-'crushing in workhouses, but in works of public and general 'advantage to the district, such as are not likely to be under-'taken on private speculation, and also in the cultivation of 'waste lands. That the works of which I speak, whether the 'improvement and erection of piers, harbours, bridges, roads, 'embankments, public buildings, &c., or the reclamation of 'waste lands, have not been hitherto effected to any thing like 'the extent to which they might be usefully carried, none 'will deny. Here, then, is a vast field for the employment of 'the surplus labourers of Ireland.'‡ 'The tax imposed for 'this purpose will be shared by the landlord, if not entirely 'placed on him; to which I see no great objection, as such a 'shifting of burthens has answered admirably in the case of 'tithes.'§

We agree with Mr Scrope, that, except where tenant-right prevails, the whole tax will ultimately fall on the landlord, as long as such a class exists; and we will now see what is likely to be the relation of the proposed burthen to the means of supporting it. The gross rental of the land of Ireland was estimated by the Commissioners of Inquiry, on evidence supplied by the Masters for Chancery, at less than £10,000,000; the net rental at less than £6,000,000. We suspect that this estimate is now too low, and that the net income derived from the land and houses of Ireland is not less than £10,000,000. Mr Scrope says that Ireland contains a population of 6,000,000 of persons existing on potatoes, 2,500,000 of them in absolute destitution, for want of employment.‖ These 2,500,000 are to be employed in public works, out of the clear rental of the land. When the public undertakes to maintain a man and his family, they must receive a sufficient maintenance. Their dietary cannot be lower than that of an Irish workhouse: if they are to labour,

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* P. 17. † P. 18. ‡ P. 39. § P. 29. ‖ P. 15.

it must be higher. Their clothing cannot be worse than that of the workhouse: if they are to be exposed to the seasons, it must be better. In the year 1844, the last for which the returns are before us, the average cost of providing maintenance and clothing for the 67,971 paupers relieved in Ireland, was 1s. 9d. per head per week, or £4, 11s. per year. This, for Mr Scrope's 2,500,000 of absolutely destitute persons, would be £11,375,000 a-year for mere maintenance and clothing, to which must be added lodging, which is excluded from the workhouse expenditure. The public works proposed by Mr Scrope are to be 'such as are not likely 'to be undertaken by individuals;' that is, such as are not likely to afford a profit to the undertakers. Such, indeed, is the character of those which he enumerates. Piers, harbours, bridges, and public buildings, may be profitable to the public, but certainly not to the builders. The reclamation of waste lands, without doubt, may be profitable; but where we have to deal with materials so intractable as the bogs and mountains of Ireland, the return must be very slow. Even supposing the population which has just received this inexhaustible right to employment, at 'wages sufficient to maintain a family,' not to increase under such a stimulus;—supposing all the expenses of superintendence, all the expense of procuring, repairing, and replacing the tools and materials, to be provided from some other source; supposing that no part of the fund is wasted by carelessness, or diverted by fraud, still, for many years, £11,375,000 must be paid every year in mere wages to this nation of pauper labourers; the rental which is to meet it being at most £10,000,000. Austria, with 37,000,000 of inhabitants, and 250,000 square miles of territory, is crushed by the expense of a standing army of 400,000 men. Prussia, with 107,000 square miles, and 15,000,000 of the most industrious people on the Continent, maintains with difficulty an army of less than 130,000 men. Mr Scrope proposes to throw on the 30,000 square miles of land, and £10,000,000 a-year rental of Ireland, the support of a standing army of paupers, far exceeding in number the whole military force, not of Austria or of Prussia, or even of France, but of Europe!

He complains that his scheme is called a *confiscation*. We really know of no word that, as far as the landlords of Ireland are concerned, more adequately expresses the case. But that word does not adequately, or nearly adequately, represent the whole mischief of the proposal. Confiscation signifies merely a forced ademption of property; literally, an ademption by the State. Such an ademption, of course, is a severe evil to the possessor. It probably destroys his whole happiness; but there the

injury ceases. If the estates of all the Orangemen were taken from them, and given to Repealers, or if those of all the Repealers were seized and made over to Orangemen, a great wickedness would be perpetrated, and great misery inflicted; but the misery would be confined to the persons despoiled. The estates might be as useful to the public in the hands of one class as in those of the other; but if the rental of Ireland, instead of being transferred, were exhausted—if the ownership of land ceased to be worth having—if estates were abandoned to avoid payment of rates—the consequence would be, not the ruin only of the proprietors, but of the whole island.

The existence of rent, that is to say, of individual property in land, is the only means by which the population of a country is proportioned to the demand for labour. In this, as in many other cases, nature has provided that the interests of the landlord and of the public shall coincide. It is the interest of the landlord that his estate shall be occupied by precisely the number of persons which will produce the largest surplus, above their own consumption; or, in other words, by the number of persons whose labour can be beneficially employed. The proportion, of course, varies according to the habits of the people. A labouring population eating meat, must be more thinly scattered than one eating corn; and a potato fed community might be denser than one eating wheat. On the other hand, a skilful and laborious peasantry would be more productive, and therefore might be denser, than one idle or unskilful. A population thus proportioned to the demand for labour never can be in want of employment. If it be frugal it cannot, except from unforeseen misfortune, want public assistance. This is the state of things in the best parts of Scotland and England, in Switzerland, in Norway, in the eastern parts of Belgium, and in France. It is indeed the natural state of things in the absence of misdirected legislation; since it is the state of things to which the interests of all parties lead them. And if property, according to Mr Drummond's celebrated aphorism, has its duties as well as its rights—if the great duty of the landlord be so to manage his estate as to render it the seat of prosperous tenants, and moral, industrious, and well-paid labourers—the first step in the performance of this duty is to prevent it from being occupied by an excessive population.

Nowhere is this duty more vigilantly or more effectually performed, than where the ownership of the land is minutely subdivided. The owner of twenty thousand acres, especially if they form separate and dispersed estates, knows little of what is going on in the greater part of them. While he is taking care that

the number of tenants and labourers residing on the property under his own eye, shall not be greater than that which will give the largest proportional produce—that is to say, the largest fund to be divided between him and them—some outlaying estate may be invaded by intruders, or subdivided by an unwatched tenantry, until it is covered by a horde of miserable, half-civilized, and therefore improvident beings, whom it seems cruel to remove, and is certainly cruel to retain. The owner of twenty, or thirty, or fifty acres, keeps watch over them himself. He allows no tenants or labourers to reside on them unless their presence be useful. There is no country in Europe in which population increases so slowly as in France; because there is none in which the ownership of land is so subdivided. On the other hand, if this restraint be withdrawn—if the landlords lose the motive, or the power, to proportion the number of their tenants to the demand for their services—what is there to prevent the whole country from becoming a warren of Yahoos, populating to the greatest numbers for which the soil will afford the coarsest food—subdividing the land until each human being squats on the smallest fraction by which life can be sustained—living miserably in ordinary years, and swept away by famine and fever in times of scarcity? The instant any portion of Ireland is neglected by its owner, this is the state to which it tends. Bad as an exacting landlord is, a careless or over-indulgent one is still worse.

As specimens of the misery and vice into which the tenants of a neglected property may fall, we extract, out of many instances mentioned in the Appendix to Lord Devon's Report, the following, as to the state of a part of Donegal:—

'A great many proprietors,' (says Mr Otway, the poor-law Commissioner for Donegal,) 'requested I would not join their properties to Tanawilly. I found, on inquiry, that the property thus sought to be avoided consisted of lands belonging to the Diocesan school of Raphoe. It was extremely subdivided, and the people were in a state of the *most extreme* poverty I ever witnessed; *most of them were in a state of emaciation from want, and were confined to their beds from want of clothing*.

'Do you know from what the great poverty of those people has arisen? From the incompetency of the land to afford to so large a number the means of subsistence. I think, if properly cultivated and held, the rent now, nominally, payable in Tanawilly, would be *very moderate*. If I had time to manage it, and had it all to myself, and could put the tenants on their farms as I chose, and could make such arrangements as I chose, I would give the amount of the present rent-roll for it; but as it is now, it is worthless. The people cannot get food enough off it, let alone pay rent out of it.' *

* Evidence, Part I. p 79.

Our other instance is taken from Lord George Hill's account of the district of Guidore, barony of Kilmacrenan, county of Donegal, in 1838:—

'A wild mountainous district, divided into small properties. No resident proprietors. The estates of such small value, that no gentleman, or scarcely respectable person, would act as agent for them. No schools; no dispensary.

'Rents very small; no regularity as to collecting them;—small sums taken at fairs, or wherever they could be got; no receipts given, and no regular account kept, consequently the greatest confusion prevailed as to what was due.

'Upon some of the properties, there were arrears of eight, ten, and even twenty years' standing. Much illicit distillation carried on. Successful resistance to tithes; upon one occasion, sixty police were beat off. A great deal of fighting at fairs. Much drunkenness.

'The good-will, or tenants'-right, of a farm, is generally very high, often amounting to forty or fifty years' purchase, land being the thing most coveted, as, indeed, it has been the only means of subsistence, employment being uncertain, and as, till of late, no support was provided for the poor and helpless, every penny was carefully put by, with a view of purchasing land. This took all their little capital, and very often left them in debt to some money-lender, who had made up the required sum, at an enormous rate of interest; by this means, nothing was left them for the purchase of cattle and seed. Many never contemplate any thing beyond potatoes sufficient to feed their families, (the little corn grown being enough to meet the demands of the landlord, not amounting, in most instances, to more than 10s. or L.1 per annum;) a cow or some goats, five or six half-starved sheep, to supply the family with clothing, or furnish wool for making stockings for sale, to buy tobacco.

'The total neglect of these mountain districts is in a great measure the reason of their present wild condition. The people, left entirely to themselves, to do as they pleased, divided and subdivided the land, and sold it also, without being interfered with by either landlord or agent, till the greater number considered that they might dispose of it as they pleased, provided they paid the landlord a just rent, and thought it hard that any one should interfere with their arrangements. The holdings were in many cases reduced to such small patches as to be incapable of producing sufficient food for the family, or scattered in so many bits, here and there, in eighteen or twenty different places. One man (a tailor by trade) had his land in forty-two different places, and gave it up in despair, declaring that it would take a very keen man to find it: One field, of half an acre of oats, near the Police Barracks, was held by twenty-two persons. The people were in the habit of trafficking in their land, and would sell small portions of it as they wanted money, either for ever, or for a term of years. These bargains were of the most complicated nature; and, by the majority of the tenants, great dislike was manifested to the land being divided into farms, and to matters being put straight, and made easy of apprehension; many appearing to pass their

whole time in concocting schemes for overreaching their neighbours, disliking plain dealings and matters of fact. The land is not let by the acre, but by the cow's grass, and even by the cow's foot (*cosbo,*) the fourth of a cow's grass, varying in value, according to the quality of the soil, from 1s. 8d. to 17s. 6d. There being little or no fencing after harvest, the sheep and cattle are brought from the mountains, and allowed to run every where, so that no man would venture to grow turnips, clover, or any kind of green crop. For want of a landlord's care, these already small farms were divided, at the death of the occupiers, among his children, leaving to each a small *skibberlen* or small garden.*

These are extreme cases; but we repeat, that this is the condition into which an Irish tenant population, uncontrolled by their landlord, has a tendency to fall. In England the danger is much less. The cottage of the poorest labourer must be built for him. It must be the work of a mason and a carpenter. It cannot be finished for less than L.30, and generally costs L.50. A farm-house for what we think a very small farm, that is, one of forty or fifty acres, costs L.200; and the out-buildings half as much more. Such an expenditure is beyond the means of the labourer or the farmer. It always, therefore, falls on the landlord. The buildings on his estate cannot multiply without his knowledge; in fact, they increase only by his direct interference. Unless he will build for them, the number of families cannot be added to, except by the residence of more than one family under the same roof, a mode of life disagreeable to the English peasant. In Ireland the cottier can build his own cabin. Loose stones or mud, which he collects himself, form the walls, a few sticks and sods the roof; a chimney he can do without; and drains he never thinks of. The cottage can be built for him, for forty shillings. Even the man who calls himself a farmer, is often not much better lodged, and his out-buildings are hovels, even more wretched than his house. This has made it possible for the Irish landlord to throw on his tenants the whole expense of building. And, unhappily for himself and for his tenantry, he almost always does so. We know some estates that are exceptions,—we know landlords who contribute towards the expense of the buildings on their land, and prevent the erection of any which they have not sanctioned. But, for this purpose, they must employ agents to look out for the first rise of an unauthorised hovel, and pull it down before it has been slept in. They are forced even to watch over the use which is made of the buildings which they have assisted in erecting. The landlord disapproves of the presence of the

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* P. 711, and p. 798.

cow and the pigs in the cabin. He assists in building a cow-house and a pigsty. If he leave the cottier to take his own course, in three months the cow and the pigs will be again in the cabin; and the new buildings will be tenanted by other men, women, and children, with perhaps cows and pigs of their own.

It is sometimes reckoned as an advantage belonging to the possession of property in Ireland, that it affords a clear and certain income. In England, repairs, rebuildings, fences, drains, and the other deductions classed under the general name of 'outgoings,' often swallow up a half-year's rent. The greater part of what is called in England rent, is not rent in the technical sense of that word. It is not payment for the use of the original productive powers of the land. It is interest on the capital which the landlord, or those from whom he purchased or inherited, have expended; and which he must continue to expend, in fitting the land for the farmer's habitation and use. In Ireland the landlord's income is pure rent. He receives it merely for permitting his tenants to use his land. In most cases, it is only through their exertions that the land has been made productive of rent. They first enclosed their patches of cultivated ground from the hill-side or the waste, cleared the surface bog, cut the absolutely indispensable drains, and erected the absolutely indispensable places of shelter. They created their holdings without his aid, and do not require his aid to maintain them. The necessary consequence is, that his means of controlling them are few. They consist merely of distress and ejectment. He must use constant vigilance and occasional severity. One man divides his farm of ten acres, in order to sell the tenant-right of half of it; another partitions it among his sons, or portions a daughter with an acre. The ejected tenantry from cleared estates crowd in as squatters, purchasing from the residents the tenant-right of the site of a cabin and a potato-garden. A hovel is erected in a night, and in a few months, the inhabitants call it an improvement, and consider themselves tenants entitled to sell their tenant-right, and to avenge ejectment by assassination. The misery inflicted by a clearance without doubt is dreadful; the injustice of ejecting, without compensation, a man who has made a real improvement, is revolting. But any law which should deprive the landlord of the power of arresting the subdivision of the land, or even should materially weaken it—by enabling the ejected tenant to claim compensation as improvements, for cottages built without the landlord's consent, and injurious to the property—would undoubtedly produce a state of misery more extensive than that which now exists in Ireland, and less remediable.

And we must add, that there are at work feelings, both in England and in Ireland, which lead us to fear that a very dangerous course of legislation would be popular in both countries. The English public seem to believe that it is the fault of an Irish landlord, that the tenants and cottiers on his estate are not as comfortable as the farmers and labourers of Yorkshire. They forget the capital of the Yorkshiremen. It is not so much the material capital—the money and live and dead stock of the tenant—as the intellectual and moral capital—the skill and industry, and submission to law, both of farmers and of labourers—which produce the comfort of the unpauperised districts of England. Take away these elements of prosperity—cut up Yorkshire into holdings of from six to twelve acres, let its population, instead of being collected in towns, be spread over the country, deprive them of diligence and of skill, let neither property nor life be secure—and then see whether the landlord can make them comfortable. A few instances have occurred in which men of large means, and with great courage and energy, by making it the business of their lives, have raised a Connaught or a Munster population, not indeed to the average English standard, but to a state which, when compared with that of their neighbours, was one of prosperity. But to produce this prosperity, and to maintain it, they must eject and consolidate. This disgusts the English public. With a perverseness which, if it were not the result of ignorance, would be intolerable, and if it be the result of wilful ignorance, is inexcusable; they execrate the landlord for his harshness if he be vigilant, and for the wretchedness of his tenants, if he be careless. They hold him responsible for the misery produced by habits the results of centuries of misgovernment,—operating on a race, kindly indeed, but not largely endowed with the qualities necessary to resist mischievous impressions. And the result in England is a degree of unpopularity of which Mr Scrope's Pamphlet is an exponent. Unless the landlords of Ireland had been already outlawed by the public opinion of England, no one would have seriously proposed to confiscate their estates.

The feeling in Ireland is not against the landlord, but the absentee. The comparatively few who can afford to leave the country, are objects of jealousy to the resident proprietors. They enjoy many of the advantages of property, without its dangers and its troubles. The landlord who resides on his estate, constantly contending with the importunities of his tenants, which he cannot grant without injuring both them and himself, and must refuse at the risk of assassination, thinks with envy of his former neighbour, who is spending his rents in safety, in

England or France. And in the bulk of mankind, the passage from envy to hatred is short. We fear that there is no law that could be directed against absentees which would not be popular in Ireland. We believe that many of the resident proprietors would not unwillingly sanction measures that would be injurious to themselves, if they hoped that they would be still more injurious to the absentees.

When men's conduct is influenced by passions like these—when they are anxious not to benefit but to punish, not to do good but to do harm—what sort of legislation is to be expected? With such persons neither we nor our readers can have any thing in common. We address ourselves only to those who desire the welfare of the whole Irish people—of the rich as well as of the poor, of the landlords as well as of the tenants. And, if among them, are some who treat the Land as an inexhaustible fund—who think, with Mr Scrope, that landlords, *ratione tenuræ*, are bound and are able to provide every man with employment, at wages which will support a family—we wish that they would familiarize their minds with the details of a real case of confiscation. We request their attention to the following Letter, addressed in 1833, by Mr Jeston, the Rector of Cholesbury in Buckinghamshire,* to the English Poor-Law Commissioners:

'I am informed by the very oldest of my parishioners, that sixty years ago there was but one person who received parish relief; but it should seem that the parish, for many years past, has been an overburdened one, though within the last year the burdens have been much increased by the land going out of cultivation, and the whole of the population being thrown upon the rates. In fact, for some years I understand the land was let only by means of the proprietors consenting to become guarantee to the tenant against more than a certain amount of parochial burdens—all above that amount to be considered in lieu of rent. At the present moment some of the proprietors, in answer to communications from me upon parish affairs, have confessed an intention to abandon altogether their property in the parish, rather than give themselves further trouble about it, from their having actually lost money by it; the rates having more than swallowed up the rents.

'About October last, the parish officers, not being able to collect any more funds, threw up their books, and from that time their duties have fallen upon myself; for the poor, left without any means of maintenance, assembled in a body at my door whilst I was in bed, and applied to me for advice and food.

'My income being under L.140 a-year, rendered my means of relief

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* *Administration of the Poor-Laws*, p. 87.

small; but my duty was to keep them from starving, and I accordingly commenced supporting them by daily allowances of bread, potatoes, and soup. In the mean time I made several, as many as eight or ten, journeyings to the magistrates at petty and special sessions, in company with the parish officers, and after a delay of three weeks, succeeded in obtaining a "rate in aid" for £50, on Drayton, an adjoining parish.

'The present state of the parish is this:—The *land* almost wholly abandoned, (sixteen acres only, including cottage-gardens, being now in cultivation,) the *poor* thrown only upon the rates, and set to work upon the roads and gravel-pits, and paid for this unprofitable labour at the expense of another parish! I have given up a small portion of my glebe (the rest is abandoned on account of the rates assessed on it) to the parish officers, rent free, for the use of the poor, on condition that spade-husbandry only be made use of, and the work done by married men with large families; but the employment this can afford must be of short continuance. The L.50 will be expended in less than two weeks; and I have apprised the magistrates of the hundred that I shall be compelled to apply, on Monday the 14th instant, at the petty sessions, for another "rate in aid."

'I need not say this precarious mode of maintenance for the poor is most lamentable in every respect. It is most injurious both to their comforts and to their morals; for it reduces, of necessity, their weekly allowance to the lowest possible pittance; and it throws them, whilst under excitement from real suffering, in a body, on the useless labour (or rather idleness) on the roads, with no one but myself to superintend them. This is a source of great anxiety to me, and a state of demoralization to them, from which, for their sakes, I earnestly hope some steps may be taken to relieve them. At present, I confess, I see no prospect of permanently bettering their condition; and it is to be feared this parish must continue dependent for support on the parishes in the hundred, by means of rates in aid; for there appears no probability of the land being re-occupied, and the longer it remains uncultivated the greater will be the difficulty and expense of re-cultivation, and the less the produce; whilst the wants of the parish will be increasing. The able-bodied poor and the boys are, I have just observed, deteriorating physically and morally, by reason of the want of useful and productive employment, and of their receiving parish allowance, *without any chance* of bettering themselves by any *exertion or good conduct*.—

'It is obvious,' add the Poor-Law Commissioners, 'that the instant the poor-rate exceeds the net surplus produce—that is to say, exceeds that surplus which, if there were no poor-rate, would be paid in rent—the existing cultivation becomes not only unprofitable, but a source of absolute loss. And that, as every diminution of cultivation has a double effect in increasing the rate on the remaining cultivation—the number of unemployed labourers being increased at the same instant that the fund for payment of rates is diminished—the abandonment of property, when it has once begun, is likely to proceed in a constantly accelerated ratio. Accordingly, it appears from Mr Jeston's statement, that scarcely a year elapsed between the first land going out of cultivation, and the abandonment of all except sixteen acres.'

We have inserted this remarkable statement, not only for the sake of the instruction which it affords, but in order to append to it, in a subsequent part of this Paper, the comment of the Commissioners of Inquiry into the condition of the poorer classes in Ireland. Mr Scrope expresses his regret, that in 1836 'the Whig government refused to act on the recommenda-' tions of their own Poor Inquiry Commissioners, and instead of ' doing so, sent over Mr Nicholls, to make out a case for a more ' stinted kind of Poor-Law than that recommended by the ' Commissioners—disregarding also altogether the other valuable ' recommendations of the Commission.' 'The consequence,' he adds, 'has been the loss of ten years of Irish misery and crime, ' and the whole question has now to be argued and fought over ' again, on which the public mind was made up at that time.' *

The Report of the Commissioners contains, without doubt, many suggestions of great value. With a Commission containing some of the most eminent men in Ireland, it could not be otherwise. We are inclined to think the principle which runs through it—that of requiring relief to be given to all those comprised in certain classes,—such as lunatics, the deaf and dumb, the blind, the maimed, and orphans, and to be given in the manner applicable to their conditions—in some respects better than that of the actual Irish Poor-Law, which allows the guardians at their discretion to relieve all the destitute poor; but does not absolutely require them to relieve any peculiar class, or enable them to vary materially the treatment of those whom they do relieve. But it also contains proposals which we believe that the Commissioners would have abandoned, if they had put them to the severe test of expanding and limiting them in a bill. Many schemes look well in the vague form of a recommendation, which are found impracticable, as soon as it becomes necessary to create the machinery which is to work them, and to define the details of execution. Such was their recommendation as to emigration. ' We propose,' say the Commissioners, ' that arrangements for carrying on emigration shall ' be made between the Commissioners of Poor-laws and the ' Colonial Office. And that all persons whose circumstances shall ' require it, shall be furnished with a free passage, and with the ' means of settling themselves in an approved British colony to ' which convicts are not sent. We propose, too, that the means ' of emigration shall be provided for the destitute of every class ' and description, who are fit subjects for emigration; that depots

* P. 4.

'shall be established, where all who desire to emigrate may be 'received; that those who are fit for emigration be there se-'lected for the purpose, and those who are not, shall be pro-'vided for under the directions of the Poor-law Commissioners.' They further propose, 'that officers of health shall be elected 'for every parish: that it shall be a duty of the officers of health 'to grant tickets of admission to the next emigration depot, to 'any poor inhabitants of their parish who may, on behalf of 'themselves, or of themselves and their families, demand such 'tickets from them, and also, where necessary, to procure means 'for passing such persons to the depot: and that all persons who, 'having entered an emigration depot, withdraw from it without 'discharging such expenses as they may have occasioned, or who 'refuse to emigrate, shall be removed as free labourers to such 'colony, not penal, as shall be appointed for them by the colonial 'department; but that the wages of all able-bodied adults 'amongst them shall be attached in the colony until the expenses 'of their passage be defrayed; and that those who may be unfit 'for removal to a colony, shall remain for such time in a peni-'tentiary, and be there kept to such work as the court of quarter 'sessions shall by law be authorized to appoint.' By means of these provisions, they add, 'all poor persons who cannot find 'the means of support at home, and who are willing to live by 'their labour abroad, will be furnished with the means of doing 'so, and with intermediate support, if fit to emigrate; and if 'not, will be otherwise provided for.'

Now, in what plausible enactments could these suggestions have been embodied? How could the Colonial Office have been required to furnish, to an indefinite number of destitute persons, the means of settling themselves in an approved British colony? How could the Poor-Law Commissioners have been required to provide for all candidates for emigration, who, on examination, proved to be unfit? By what words could this new offence, 'refusal to emigrate,' have been defined? If a man with his wife and children entered the depot, and the husband refused to emigrate, must the wife and children be considered as participating in the offence, and subjected with him to involuntary exile? The Draughtsman would have thrown down his pen.

On the other hand, the suggestions of the Commissioners for the compulsory improvement of the land now under cultivation, by drainage and fencing, and the removal of unwholesome cabins, might, without much difficulty, have been turned into positive enactments. Until it came into operation, the mischief of the attempt to improve private property, partly at the expense of the proprietor, and partly

at the expense of the public, would not have been obvious. There would have been no difficulty, indeed, in finding a field for the exertions of the Commissioners of Improvement. The South and West of Ireland consist of undrained fields, ill-fenced properties, and unwholesome cabins. But the struggles of some proprietors to improve their estates at the expense of their neighbours; those of others to escape a burthen from which they were not to profit; the resistance of the uncivilized occupiers of the cabins sentenced to removal, against a clearance which they could not appreciate, or even understand the motive; and the general cessation from voluntary improvement, owing to the hope of obtaining public assistance, and the fear of incurring additional rates, would soon have occasioned so much fraud, so much jobbing, so much injustice, so much loss—in short, so much evil of every kind,—that the act could not have lasted for a year after it had been enforced. We cannot join in Mr Scrope's regret that these suggestions have been disregarded. But we lament, with him, that the practicable and useful parts of the Report should have received the same treatment.

Among its detailed recommendations, one of the most important was, that the Vagrant Law of Ireland should be revised, or rather that an efficient Vagrant Law should be enacted; for the present law, which subjects all who wander about demanding victuals, to seven years' transportation, is too monstrous to be enforced. Lord Melbourne's government endeavoured in 1840 to give effect to this recommendation. Sir Robert Peel, as far as his wishes can be inferred from his conduct, was then unwilling that a useful measure should be carried by a Whig government. He withheld his co-operation, and the attempt necessarily failed. We trust that it will now be renewed with success. We endeavoured to call to it the attention of the Public, and suggested the outline of a Vagrancy Law, in the Number of this Journal, published in April 1843.*

Another portion of the Report, perhaps equally important and equally fruitless, is that which recommends that voluntary charitable associations be superintended by the Commissioners, and aided by the public. It has been met, not by opposition, but by total neglect. Another large measure, that for partitioning and improving the waste lands of Ireland, has not been acted on, though it cannot be said to have been wholly neglected. As is too often the case in Irish matters, it has been talked about, ad-

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* See Vol. lxxvii. p. 391.

mitted to be useful, and dropped. We shall recur, in a subsequent part of this Paper, to the second of these proposals.

But we own that we are astonished, when we find Mr Scrope citing, as an authority for his own speculations, the Report of the Irish Commissioners of Inquiry. Of all the measures which they consider, that which they most firmly, we had almost said most fiercely, reject, is Mr Scrope's *nostrum*,—a right to relief in the *able-bodied!*

They do not palliate the general destitution of the labouring classes. Their description of it certainly now applies only partially, to the North and to the East of Ireland; and we hope does not apply generally, even to the South and the West.

'It is impossible,' (they say,) 'for the able-bodied, in general, to provide against sickness or the temporary absence of employment, or against old age or the destitution of their widows and children in the contingent event of their own premature decease.

'A great portion of them are insufficiently provided at any time with the commonest necessaries of life. Their habitations are wretched hovels, several of a family sleep together upon straw or upon the bare ground, sometimes with a blanket, sometimes even without so much to cover them; their food commonly consists of dry potatoes, and with these they are at times so scantily supplied as to be obliged to stint themselves to one spare meal in the day. There are even instances of persons being driven by hunger to seek sustenance in wild herbs. They sometimes get a herring, or a little milk, but they never get meat, except at Christmas, Easter, and Shrovetide.

'Some go in search of employment to Great Britain during the harvest, others wander through Ireland with the same view.

'The wives and children of many are occasionally obliged to beg; they do so reluctantly, and with shame, and in general go to a distance from home that they may not be known.

'Mendicancy, too, is the sole resource of the aged and impotent of the poorer classes in general, when children or relatives are unable to support them. To it, therefore, crowds are driven for the means of existence, and the knowledge that such is the fact leads to an indiscriminate giving of alms, which encourages idleness, imposture, and general crime.'

'With these facts before us,' the Commissioners add, 'we cannot hesitate to state that remedial measures are necessary. It has been suggested to us to recommend a poor-law for Ireland similar to that of England, which requires that work and support shall be found for all able-bodied persons who may from time to time be out of employment.' They first consider the plan of giving such work and support in workhouses, and decide, that 'if all who require relief were to be so relieved, it would be morally, indeed physically impossible, to provide for such a

'multitude, or even to attempt it with safety; but that as the 'able-bodied in general and their families would endure any 'misery rather than make a workhouse their domicile, the sys- 'tem would prove illusory, and after much trouble, expense, 'and mischief, would necessarily be abandoned altogether.'

'It may be considered, however,' (they continue,) 'that the objections applicable to a provision for enforcing in-door work would not be applicable to one for enforcing out-door employment; but, considering the number of persons for whom work must be found, and the experience had in England of the consequences to which any plan of out-door compulsory employment inevitably leads, it appears to us that any attempt to introduce it into Ireland must lead to the most pernicious results.

'If the farmers were compelled to take more men than they choose or thought they wanted, they would of course reduce the wages of all to a minimum. If, on the other hand, magistrates or other local authorities were empowered to frame a scale of wages or allowances so as to secure to each labourer a certain sum by the week, we do not think they could, with safety to their persons and property, fix a less sum than would be equal to the highest rate of wages pre-existing in the district for which they were required to act; nor would any thing less enable the labourer to support himself and his family upon such food, with such clothing, and in such dwellings, as any person undertaking to provide permanently for human beings in a civilized country could say they ought to be satisfied with. It would therefore, we think, be necessary to fix different scales of wages or allowances, which would average for the whole of Ireland about 4s. 6d. a-week. This would be to double the present earnings of the body of labourers, and these amount to about L.6,800,000 a-year. The additional charge for labour would, therefore, come to about that sum.

'It could not be expected that the tenantry should bear this burthen; they have not capital to do so, even if the further sum they were required to expend on labour were likely to make a profitable return; but we are persuaded that it could do no such thing. If the law required that the whole number of agricultural labourers in Ireland should be set to work, there must be constantly employed in Ireland about five labourers for every two employed on the same extent of cultivated land in Great Britain; the labourers, too, would not be freely taken by their employers and bound to please them or lose their employment, but would be forced upon them, and entitled to be paid a certain sum whether they gave satisfaction or not; under such circumstances, labour could not be expected to yield a profitable return to those who paid for it.

'The charge must, therefore, come upon the landlords.

'Now, the Rental of the country at present goes to feed commerce; to give employment directly or indirectly to profitable labourers; and to keep society in a healthy state. If any considerable portion of it were devoted to the support of unprofitable labourers, it would be in a great degree consumed without being reproduced; commerce must decay, and

the demand for agricultural produce and all commodities (save potatoes and coarse clothing) must immediately contract; rents must therefore diminish, while the number of persons out of employment and in need of support must increase, and general ruin be the result.'

They then cite, from the English Poor Inquiry Report, the history, as we have already given it, of Cholesbury,—adding this memorable comment: 'As the parish of Cholesbury became to 'other parishes in England, so, we are persuaded, would very 'many of the parishes of Ireland be to the residue *at the end of* '*a year*, from the commencement of any system for charging 'the land indefinitely, with the support of the whole labouring 'part of the community; and, as these parishes must shortly 'bring down all others to their level, the whole of Ireland would 'shortly have to lean on Great Britain for support. It may, 'however, be said that England, with the poor-law system we 'condemn, has become a great and flourishing country; while 'Ireland, without it, is in a state of semi-barbarism. The fact 'is undoubtedly so. *But because extraordinary strength has* '*withstood poison, it does not follow that poison should be pre-* '*scribed as a remedy for weakness.* The true cause of the 'greatness of England is to be found in her free constitution. 'Unfortunately, it is only of late years, and by slow degrees, 'that it has been allowed to diffuse itself through the mass of 'the people of Ireland. For nearly the whole of the last cen- 'tury, they were governed by a Code, the policy of which was 'to keep them in poverty and ignorance, and which was perfect 'for its purpose. Although it is now no more, it has left behind 'it habits and dispositions which are opposed to improvement; 'and we should consider ourselves accessories to a continuance 'of them, if we attempted to guarantee to the labourer pauper 'support, instead of endeavouring to render him independent of 'it.'

We may well say, that we are wholly unable to understand how Mr Scrope, holding opinions irreconcilably opposed to those of the Commissioners, should regret that their recommendations have been disregarded.

He endeavours to support his scheme by three other authorities—the English Commissioners of Inquiry, the author of the Preface to the Foreign communications on Poor-Laws, and Dr Doyle.

'I will not go,' (he says,) 'into lengthened proofs of the success that has attended the long-tried experiment of the Elizabethan poor-law in England, which Mr John O'Connell, with a very pardonable ignorance of the subject, seems to question. I will content myself with quoting the well-considered deliberate opinion of the Commissioners of Inquiry into the working of the English poor-law, expressed in their report to

Parliament, after three years occupied in a close and rigid examination of the system, and particularly into all its abuses—the opinion, be it remembered, of able men, several of whom, it is well known, entered upon the inquiry with most unpromising prejudices against the principle of any poor-law, and still more against the principle of *compulsory relief,* and, above all, *to the able-bodied.* Yet what do they emphatically declare in their final Report, as the conclusion they have arrived at?'

Mr Scrope then quotes the following passage from the Report of the English Commissioners:—

'If we believed the evils stated in the previous part of the report, or evils resembling or even approaching them, to be necessarily incidental to the compulsory relief of the able-bodied, we should not hesitate in recommending its entire abolition. But we do not believe these evils to be its necessary consequences. We believe that, under strict regulations, adequately enforced, such relief may be afforded safely and even beneficially.

'In all extensive communities, circumstances will occur in which an individual, by the failure of his means of subsistence, will be exposed to the danger of perishing. To refuse relief, and at the same time to punish mendicity, when it cannot be proved that the offender could have obtained subsistence by labour, is repugnant to the common sentiments of mankind; it is repugnant to them to punish even depredation, apparently committed as the only resource against want.

'From the evidence collected under this commission, we are induced to believe that a compulsory provision for the relief of the indigent can be generally administered on a sound and well-defined principle; and that, under the operation of this principle, the assurance that no one need perish from want may be rendered more complete than at present, and the mendicant and vagrant repressed by disarming them of their weapon—the plea of impending starvation.'

But what is this 'sound and well-defined principle?' It is this:—That a marked line be drawn between the pauper and the independent labourer. 'We do not believe,' they observe, 'that a country in which this line has been effaced, can 'retain its prosperity, or even its civilisation.' Further, that the situation of the person receiving assistance, shall not be made really or apparently so eligible as that of the independent labourer—'Every penny,' they add, 'that tends to render 'the situation of the pauper more eligible than that of the inde-'pendent labourer, is a bounty on indolence and vice.' Moreover, as the mode by which this principle is to be enforced, —their first recommendation, the keystone of their whole plan, is—'that, except as to medical attendance, and subject to 'an exception respecting apprenticeship, all relief whatever to 'able-bodied persons, or to their families, otherwise than in 'well-regulated workhouses, (*i. e.* places where they may be set 'to work according to the spirit and intention of the 43d

'of Elizabeth,) shall be declared unlawful, and shall cease.' They say, that 'out-door relief contains in itself the elements 'of an extension, which may ultimately absorb the whole fund 'out of which it arises.' On the results of such an absorption they do not dwell; feeling probably that it requires no illustration. But they explain at some length a less obvious part of the subject—its effect on the labouring class, for whose benefit it is supposed to be extended.

'Under its influence,' (they say,) 'piece-work is refused to the single man, or to the married man if he have any property, because they can exist on day wages; it is refused to the active and intelligent labourer, because he would earn too much. The enterprising man, who has fled from the tyranny and pauperism of his parish to some place where there is a demand and a reward for his services, is driven from a situation which suits him, and an employer to whom he is attached, and forced to receive as alms a portion only of what he was obtaining by his own exertions. He is driven from a place where he was earning, as a free labourer, 12s. or 14s. a-week, and is offered road-work, as a pauper, at sixpence a-day, or perhaps to be put up by the parish authorities to auction, and sold to the farmer who will take him at the lowest allowance.

'Can we wonder if the labourer abandons virtues of which this is the reward? If he gives up the economy in return for which he has been proscribed, the diligence for which he has been condemned to involuntary idleness, and the prudence, if it can be called such, which diminishes his means just as much as it diminishes his wants? Can we wonder if, smarting under these oppressions, he considers the law, and all who administer the law, as his enemies, the fair objects of his fraud or his violence? Can we wonder if, to increase his income, and to revenge himself on the parish, he marries, and thus helps to increase that local over-population, which is gradually eating away the fund out of which he and all the other labourers of the parish are to be maintained?'

But this is not the worst.

'Though the injustice,' (they add,) 'perpetrated on the man who struggles, as far as he can struggle, against the oppression of the system, who refuses, as far as he can refuse, to be its accomplice, is at first sight the most revolting, the severest sufferers are those that have become callous to their own degradation, who value parish support as their privilege, and demand it as their right; and complain only that it is limited in amount, or that some sort of labour or confinement is exacted in return. No man's principles can be corrupted without injury to society in general; but the person most injured is the person whose principles have been corrupted. The constant war which the pauper has to wage with all who employ or pay him, is destructive to his honesty and his temper; as his subsistence does not depend on his exertions, he loses all that sweetens labour, its association with reward, and gets

through his work, such as it is, with the reluctance of a slave. His pay, earned by importunity or fraud, or even violence, is not husbanded with the carefulness which would be given to the results of industry, but wasted in the intemperance to which his ample leisure invites him.'

Even this is not the worst.

'In all ranks of society,' (say the Commissioners,) 'the great sources of happiness and virtue are the domestic affections, and this is particularly the case among those who have so few resources as the labouring classes. Now, pauperism seems to be an engine for the purpose of disconnecting each member of a family from all the others; of reducing all to the state of domesticated animals, fed, lodged, and provided for by the parish, without mutual dependence or mutual interest.

'At the time of my journey,' says Mr Cowell, 'the acquaintance I had with the practical operation of the Poor-Laws led me to suppose that the pressure of the sum annually raised upon the rate-payers, and its progressive increase, constituted the main inconvenience of the Poor-Law system. The experience of a very few weeks served to convince me that this evil, however great, sinks into insignificance when compared with the dreadful effects which the system produces on the morals and happiness of the lower orders. It is as difficult to convey to the mind of the reader a true and faithful impression of the intensity and malignancy of the evil in this point of view, as it is by any description, however vivid, to give an adequate idea of the horrors of a shipwreck or a pestilence. A person must converse with paupers—must enter workhouses, and examine the inmates—must attend at the parish pay-table—before he can form a just conception of the moral debasement which is the offspring of the present system; he must hear the pauper threaten to abandon his wife and family unless more money is allowed him—threaten to abandon an aged bed-ridden mother, to turn her out of his house and lay her down at the overseer's door, unless he is paid for giving her shelter—he must hear parents threatening to follow the same course with regard to their sick children—he must see mothers coming to receive the reward of their daughters' ignominy, and witness women in cottages quietly pointing out, without even the question being asked, which are their children by their husband, and which by other men previous to marriage—and when he finds that he can scarcely step into a town or parish in any county without meeting with some instance or other of this character, he will no longer consider the pecuniary pressure on the rate-payer as the first in the class of evils which the Poor-Laws have entailed upon the community.'*

It may be said, however, and so says Mr Scrope, that these calamities arose, not from out-door relief, but from the form in which much of it was given; and, 'that to prevent them it is 'only necessary to draw a broad line between parish or pauper

* App. (A.) Part I. p. 583.

'labourers, and independent labourers working for private em-
'ployers, by prohibiting any relief to the able-bodied *on any ac-*
'*count, except in the shape of work on account of the public*, which
'is in fact only returning to the true principle of the law of
'Elizabeth.' *

This is not returning to the law of Elizabeth; it is returning to the fourth, of the five modes of relief, enumerated by the English Commissioners of Inquiry, and termed by them 'Parish Employ-
'ment.' Under this system, as the transaction is not voluntary on the part of the employer, the terms of the contract, if contract it can be called, must be fixed by some third party; that is to say, by an agent delegated by the Government, or, in other words, by a Magistrate. As the employment is eleemosynary, as it is a duty thrown on the rate-payers, not for their benefit, but for that of the labourer, the wages, or rather the allowance, must be regulated by principles totally different from those which regulate natural wages. The magistrate cannot permit less to be paid than the sum which he thinks necessary for the support of the applicants, and cannot require that they shall receive more. The weak must have as much as the strong, the ignorant as the skilful, the careless as the diligent, the dissolute as the well conducted. The only principle of distinction is the number of persons constituting the family. The unmarried receive the *minimum;* the man with only a wife somewhat more; and where there are children they are paid for by the head. As the ordinary motives to exertion and good conduct are wanting, as no parish or union labourer has any hopes or fears from his employer, the magistrate again must interfere. He cannot indeed reward diligence, but for that very reason he must punish indolence, since the fear of punishment is the only stimulus left. How he is to punish, it is not easy to say. The offender cannot lose his place, his allowance cannot be reduced, and public opinion would not allow him to be flogged. If a sufficient number of prisons can be built, the punishment will probably be imprisonment.

If the experiment had never been tried, we might infer from the known principles of human nature that such a moral regimen as this must be corruptive. It is obviously impossible that a man can be subjected to the hopelessness, and the irresponsibility of a slave, without incurring the vices of slavery. But unhappily the experiment has been tried, and tried for nearly half a century, on the widest scale, and under peculiarly favourable circumstances.

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* Page 44.

It has been tried in a country possessing the most industrious peasantry; the largest and most intelligent middle class; and the ablest, the most active, and the most practical aristocracy in Europe. Its result was shown in the fires, riots, and outrages of 1830. It was on the parish roads, and in the parish gravel-pit, that the almost treasonable robbery and devastation of that unhappy period were organized. It was in those *ergastula* that the labourer acquired his hatred of work, and his hatred of his employer. It was there that he found himself treated as a mere incumbrance—fed, lodged, and clothed, because the magistrate so ordered it; and kept to work, not because the work was profitable to his parish, but because it was painful to him. It was there that he learnt the revolutionary doctrine, that society is divided into the rich and the poor, and that it is the duty of the rich, out of their inexhaustible funds, to provide for the comfortable subsistence of the poor,—however large their number, however reckless their improvidence, and however valueless their labour. It was there that he was taught to feel every task as a punishment, every privation as a robbery, and all the evils of life as wrongs inflicted by his superiors. The fourteen Folios of the English Commissioners are a small part of the evidence which shows that, corrupting and degrading as all pauperism is, the most corrupt and the most degraded of paupers is the man on parish employment. This is the state to which Mr Scrope would reduce the bulk of the Irish labourers; and he cites as an authority in his favour, the great denouncers of this system, the English Commissioners of Inquiry!

As a further authority, Mr Scrope quotes the following passage:—'We have given a very brief outline of the institutions of those 'portions of the Continent which appear from the returns to have 'adopted the English principle of acknowledging in every person 'a right to be supported by the public. It will be observed, that 'in no country, except, perhaps, the Canton of Berne, has com-'pulsory relief produced evils resembling, either in intensity or 'extent, those which we have experienced, and, that *in the majority 'of the nations which have adopted it, the existing system works well;*' and he quotes the passage as if it formed part of the Report. It is a quotation, however, from a different work—the 'Preface to Fo-'reign Communications on Poor-Laws;' which was not published till nearly a year after the Commission had been dissolved, and the Poor-Law Amendment Bill passed; and is signed only by its author, Mr Senior. If Mr Scrope had read this work, he would have perceived that it supports him as little as his other authorities. As the passage in question has been quoted for the

same purpose by others, we will extract, long as it is, Mr Senior's statement of the circumstances which have occasioned compulsory relief to work well in several nations of Europe.*

'1. Among some of the nations in question villeinage still exists. Now, where slavery in any of its forms prevails, the right of the slave or villein to support, is a necessary and a safe consequence. It is necessary, because a person who is not a free agent cannot provide for himself. It is safe, because one of the principal evils of pauperism, improvidence, can scarcely exist among slaves, and the power of the master enables him to prevent idleness and fraud. The poor-laws of Russia, therefore, if they can be called poor-laws, are merely parts of her system of slavery.

'2. Among most of the other nations in question the compulsory system is in its infancy. Denmark has only lately got rid of slavery, and her poor-laws date from 1798. Those of Sweden, on their present form, of Mecklenburg, Saxony, Wurtemberg, and Bavaria, all bear the appearance of recency. In Wurtemberg assessments had been long obsolete, until they were re-introduced during the famine of 1817. The only country in which the compulsory system appears to have continued as long as it has in England, is that in which it has produced effects resembling those which have followed it with us, namely, the Canton de Berne.

'3. Another circumstance which renders compulsory relief less dangerous in the countries which we have been considering than in our own, is the economical situation of their labouring population. The class of persons without visible property, which constitutes the bulk of English society, forms the small minority of that of the north of Europe. The Norwegian return states, (698 and 699,) that at the last census in 1825, out of a population of 1,051,318 persons, there were 59,464 freeholders. As by 59,464 freeholders must be meant 59,464 heads of families, or about 300,000 individuals, the freeholders must form more than a fourth of the whole population. Mr Macgregor states, (p. 300,) that in Denmark, (by which Zealand and the adjoining islands are probably meant,) out of a population of 926,110, the number of landed proprietors and farmers is 415,110, or nearly one-half. In Sleswick Holstein, out of a population of 604,085, it is 196,017, or about one-third. The proportion of proprietors and farmers to the whole population is not given in Sweden; but the Stockholm return estimates the average quantity of land annexed to a labourer's habitation at from one to five acres—(p. 375;) and though the Gottenburg return gives a lower estimate, it adds, that the peasants possess much of the land.—(P. 387.) In Wurtemberg we are told that more than two-thirds of the labouring population are the proprietors of their own habitations, and that almost all own at

* Preface to Foreign Communications on Poor-Laws, ordered by the House of Commons to be printed, 21st February 1834. lxxxvii.

least a garden of from three-quarters of an acre to an acre and a-half.—(P. 511.)

'And all the returns concur in stating the number of day-labourers to be very small.

'The Norwegian report states, that "by law servants should never be hired for a shorter period than a twelvemonth. Employing labourers by the day, though often done in and about towns, is consequently illegal."—(P. 695.) Few day-labourers are to be met with.—(P. 698.) The Gottenburg, that "strictly speaking there are in Sweden few labourers on the same footing as in England."—(P. 387.) The Russian, that "the labourers are almost all slaves," and that "the average quantity of land allowed by a proprietor to his slave is fifteen acres."—(P. 334.) The Danish report, that "the day-labourers form in Zealand and the adjoining islands less than one-fifth, and in Sleswick Holstein less than one-third, of the agricultural population."—(P. 300.) The Wurtemberg report states the labourers to amount to 41,913 (meaning of course heads of families, or about 210,000) individuals out of a population of 1,518,147, being in fact less than one-seventh.—(P. 514.) The Bavarian, that "in the country there are very few day-labourers, as almost every person has some ground of his own, and few are rich enough to hire labour."—(P. 556.)

'It is probable, therefore, that the class of persons who in the north of Europe and Germany would be exposed to the temptation of applying for public relief, if it were granted on the same terms as in England, would be a small minority instead of a large majority, and would be perhaps a seventh, a fifth, or at most a third instead of three-fourths, or even a larger proportion of the whole community.

'4. But the conditions on which parochial assistance is afforded in the countries in question, form perhaps the principal difference between their systems and that which we have adopted. In England, where the scale and the allowance system prevail, no condition whatever can be said to be imposed on the pauper. What he receives is a mere gratuitous addition to his income. Even where work is required, the hours are in general fewer, and the labour less severe than those of the independent labourer; and the workhouse, the most powerful of our instruments of repression, affords in general food, lodging, clothing, and warmth better than can be found in the cottage, *and may be quitted at a day's notice.*

'But in all the countries which we have been considering, except the Canton de Berne, and perhaps Denmark, the great object of pauper legislation, that of rendering the situation of the pauper less agreeable than that of the independent labourer, has been effectually attained.

'On recurring to the statements which we have extracted, it will be seen that he loses all right to property; that he becomes incapable of contracting marriage while receiving relief; and, in many countries, if he have once received relief, cannot marry until he has reimbursed the parish, or has procured security that his future family shall not become chargeable, or till three years have elapsed since he last received relief. If married, he loses control over his children—he cannot choose his re-

sidence or his occupation—and if he once becomes the inmate of a workhouse, *he incurs the risk of imprisonment for life.* When such are the terms offered by the public, it is easy to understand that none but the really destitute will accept them.

'5. The prevalence of habits productive of pauperism is repressed by subjecting the whole labouring population to superintendence and restrictions, which we should consider vexatious. As they are in a great measure interwoven with the laws for the relief of the unemployed, and have been in general already stated, it is not necessary to repeat them.

'6. In almost all the countries which have been mentioned, endeavours are made to prevent the existence of a redundant population, by throwing obstacles in the way of improvident marriages. Marriage on the part of persons in the actual receipt of relief, appears to be every where prohibited, and the marriage of those who are not likely to possess the means of independent support, is allowed by very few.

'Thus we are told that in Norway no one can marry without "showing, to the satisfaction of the clergyman, that he is permanently settled in such a manner as to offer a fair prospect that he can maintain a family."—(P. 697.)

'In Mecklenburg, that "marriages are delayed by conscription in the twenty-second year, and military service for six years; besides, the parties must have a dwelling, without which a clergyman is not permitted to marry them. The men marry at from twenty-five to thirty, the women not much earlier, as both must first gain by service enough to establish themselves."—(P. 423.)

'In Saxony, that "a man may not marry before he is twenty-one years old, if liable to serve in the army. In Dresden, professionists (by which word artisans are probably meant) may not marry until they become masters in their trade."—(P. 482.)

'In Wurtemberg, that "no man is allowed to marry till his twenty-fifth year, on account of his military duties, unless permission be especially obtained or purchased. At that age he must also obtain permission, which is granted on proving that he and his wife would have together sufficient to maintain a family, or to establish themselves; in large towns, say from 800 to 1000 florins, (from £66 : 13 : 4 to £84 : 3 : 4;) in smaller, from 400 to 500 florins; in villages, 200 florins, (£16 : 13 : 4.) They must not be persons of disorderly or dissolute lives, drunkards, or under suspicion of crime, and they must not have received any assistance from their parish within the last three years."'—(P. 511.)

These are the conditions on which a *compulsory* Poor-Law has worked well in Northern Europe. That is to say, it has worked well where the bulk of the population possess property; where every motion of the labourer is watched by an inquisitive police and controlled by an arbitrary government; where marriage is forbidden to the indigent; and where the relief itself is a sort of punishment.

Mr Scrope's 'Letters' appear to have been written very rapidly. This has led him to cite authorities by hearsay. If he had read

Dr Doyle's Pamphlet on a Legal Provision for the Irish Poor,* he would not have asserted that his views were those of Dr Doyle.

There is no man whose opinions on Irish questions deserve more to be studied than Dr Doyle. His acquaintance with the character and the wants of the people was intimate. His sympathy with their sufferings was intense; his indignation against their misgovernment, vehement. He was always an honest, but, it must be admitted, frequently an unsafe adviser. As is generally the case with men of strong feelings and vivid imaginations, both his opinions and his reasonings—both the premises which he assumed, and the inferences which he drew—were often influenced by his passions; and they were sometimes tinctured by the ascetic peculiarities of his creed. His great defect was the want of political science. He believed it 'to 'be unspeakably wicked in the rulers of a people to throw ob-'stacles in the way of marriage; and that the state is at war 'with heaven when it seeks to check the multiplication of the 'human kind.' † He believed that 'the accumulation of wealth 'in large masses, is one of the chief causes of the disorganiza-'tion of society in these kingdoms.' ‡ That 'the English Poor-'Law has been beneficial by checking luxury and arresting 'wealth.' § That 'the advance of capital, knowledge, skill, and 'industry, produce an accumulation of wealth and a diffusion of 'luxury, of which the certain result is a revolution, that is, a 'dissolution of society into its original elements, when men were 'all equal, and property and social laws had no fixed and settled 'existence.' ‖ 'I would therefore,' he says, 'adopt a sumptu-'ary law, or a law of Ostracism, or, if not those laws, I would 'surely seek a poor-law to check the progress of society on its 'road to ruin.'

But from his Poor-Law, he carefully excludes the right to relief. To the objection, that 'a legal provision for the poor in-'vites to idleness, and renders the poor improvident,' he answers, 'Why is this objection brought forward? why are we to be em-'ployed in combating an error which does not concern us? 'Who has thought of introducing into Ireland a system of poor-'laws which would vest in the improvident a right to subsistence 'at the public cost? The objection is applicable only to such 'a system as would entitle every man, poor and without em-'ployment, to claim from the magistrate as a matter of right, sub-

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* Ridgway, 1831. † P. 27. ‡ P. 15.
§ P. 48. ‖ P. 60.

'sistence for himself and his family. Such a system exists in 'England, but is not proposed by any person as adapted to the 'present state of Ireland.* *No friend to the Irish poor con-* *'templates the introduction into Ireland of the English poor-laws.* *'It is proposed to withhold all recognition of a right to relief,* 'and thus to shut out unworthy claimants.'† Such were the opinions of Mr Scrope's third authority, Dr Doyle.

Before we finally part from Mr Scrope, we must add some remarks on the few argumentative parts of his Pamphlet, and some on its general tone.

'Ireland,' he repeats over and over, 'now supports her entire 'population; badly enough, but still somehow, and by some-'body, they are now supported. My proposal is to put the 'burthen on the right shoulders.'‡ So, because the Irish labouring population are now supported, because by severe economy they get a maintenance so poor that he calls it starvation, he infers, that it is practicable to give them an adequate maintenance;—such a maintenance as the state, if it undertake the business at all, must provide; and to give them that maintenance at the expense of a single portion of the community—the landlords. Because, with the foresight, the privations, the shifts, and the expedients by which an independent labourer earns and applies his pittance—getting sixpence a-day and living on it—he infers, that the landlords *can*, and therefore *ought* to be compelled, to give them as a matter of right, in return for labour which will not be remunerative, 'sufficient wages to sup-'port a family.' As well might he say, 'England now supports '18,000,000 persons. Why should she not have a standing 'army of 1,500,000 of men? She supports them as labourers; 'why should she not support them as soldiers?' But this comparison would be too favourable to Mr Scrope. First, because instead of costing more, it costs less to maintain an English soldier than an English labourer. To represent fairly the absurdity of Mr Scrope's proposal, we must suppose, that while an English labourer costs two shillings a-day, a soldier costs four shillings. And, secondly, because the expense would be thrown on the whole income of England, that is to say, on a fund amounting annually to about L.300,000,000, Mr Scrope's two million and a half of poor are to be maintained by a fund of about L.10,000,000 a-year.

Another ground on which Mr Scrope rests the practicability of his scheme, is the export of food from Ireland. 'A country,'

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* P. 25, 26. † P. 46, 47. ‡ P. 33.

he says, 'which exports annually from fourteen to sixteen mil-'lions worth of food in corn, butter, pork, swine, sheep and 'cattle, can hardly be said to be deficient in food.'* As well might he have said, the hand-loom weavers of Dublin, who annually export many thousand yards of costly tabinets, cannot be said to be in want of clothing. There can be no want of food in the Highlands of Scotland, or they would not export their black cattle. The Poles must have an abundance of wheat, or the warehouses of Dantzic would not be filled with it. It is precisely because they want food, that the Scotch export their cattle, the Poles their wheat, and the Irish their swine and sheep. To export its raw produce may sometimes be the privilege of a rich country, which produces, like America, more than it wants, but is always the necessity of a poor country. Poland does not produce more wheat than her people could consume. She does not produce so much; but they cannot afford to eat it; they export it, and live on rye. So the occupier of a rood of land near a town may be miserably poor, yet send to the town every year L.10 worth of food. He may grow asparagus while he is starving. As long as Ireland continues to be agricultural, and to feed on potatoes, and as long as property in land is allowed to exist there, Ireland will export corn, butter, swine, sheep, and cattle. But this exportation shows not her riches, but her poverty. So far from showing her power to support the burthen which Mr Scrope would throw on her, its shows her inability.

We said that we had some remarks to make on the general tone of Mr Scrope's 'Letters.' That tone we cannot avoid calling anarchical. If his advice be rejected, insurrection and revolution are not only predicted, but justified. We are told, that,—

'But for the peculiar circumstance of her close geographical connexion with a country so powerful, tranquil, and, on the whole, well governed, as Britain, Ireland would long since have *righted* herself by a revolution. The peasantry of France were not half so much oppressed by their landlords and the law of the "*Ancien Regime*," as those of Ireland are now by her existing regime, which no one can doubt depends on English bayonets alone for its continuance. But this long peace may not last much longer, and that a war would be followed by an insurrection in Ireland, who can doubt? and even now it only requires a word from Conciliation Hall, one hint from the Catholic altars of Ireland, to cause a *passive resistance to rent* from one end of the island to the other, which would make it as impossible to collect any rents,

* P. 15.

as it was to you to collect tithes in 1834, with all the police and troops you had at your disposal. Remember that the lands of France have been divided among four millions of proprietors in fee, *since her revolution*;—while Ireland has but a few thousand, if so many, landowners—that Belgium, and Switzerland, and Norway *belong* to small proprietors—that, within our own memory, the peasantry of all the north of Europe, Prussia, and the greater portion of Germany, have been, by a revolution in their territorial law, made *owners* of the lands they before tilled as serfs. Even at this moment, the peasantry of Gallicia and Poland are in arms against their landlords with similar objects in view, and have murdered many, and burnt their chateaux. In Ireland, a signal only is wanting to commence something of the sort.

'I repeat, it is no time for temporising expedients and half measures.

'The Irish people must be fed from the resources of Ireland, and employed in providing those very resources from her fertile, but neglected soil. The Irish landlords *will not* do this—*cannot* do it—at any rate, *have not done it*, or shown any disposition to do it. *Then, the State must step in and compel them to do it, or do it for them at their expense.*' *

'Let the landlords of Ireland,' (he adds,) 'not force the friends of justice and humanity to inquire too closely into their title to unconditional sovereignty, over the fair fields and native population of Ireland. Let them remember that their claim rests in most cases upon *confiscations*, not very remote, for the benefit of the few. Let them beware of provoking a *real* confiscation for the benefit of the many. *Salus* POPULI *suprema lex est.* No vague declamation about the sacredness of title-deeds and grants will satisfy the public mind. Every day these "sacred" rights are invaded by parliamentary legislation, at the instance of speculating companies, pleading only a very remote public interest in their favour.

'But we live in an age when interferences on a much larger scale have been frequent. Do you, does any intelligent Irish landlord, with a knowledge of the recent examples of violent, but *ultimately most beneficial revolutions* in the tenure of land through the greater part of Europe—with a knowledge of the still unforgotten and traditionary memories current among the Irish peasantry, of the forcible dispossessions, at no very remote historical periods, of former races of proprietors—with a knowledge of what is passing *now* in Ireland, of the tone of its most popular periodicals, the temper of its masses, the difficulty with which they are at present restrained by their cautious leaders, and still more active, unwearied, and influential priesthood, from actual insurrection, or a combined resistance to the law, the end of which none can foresee—I ask, can you or any one expect to be able long to maintain the present state of the territorial law? If no *milder* means can be obtained from the *prudence* and sense of justice of the legislature, for

* P. 12.

relieving the *people* of Ireland from the grinding oppression and shocking misery they now endure, you will erelong find many friends of humanity advocate and justify a division of the lands of the country among its inhabitants, as fraught with less evil than the continuance of the present frightful state of society there.

'My advice to the landlords of Ireland is, to "set their house in order," in preparation for what may happen. Secure, at least, the *masses* in support of law and order, by an act of bare justice, that ought never to have been denied to them—that should have formed a primary element in your judicial code—by affording them a legal guarantee for existence on the surface of their native land.' *

Mr Scrope's doctrine is just this—That it is the duty of the landlords of a country, to provide employment and subsistence for all whom they find on the surface of their land. It does not matter whether their residence there be useful or mischievous, whether their number be adequate or excessive, whether they be prudent or improvident, frugal or wasteful, industrious or idle. It does not matter whether their presence have been invited or connived at, or even forbidden, by the person who chooses to call himself owner of the soil. They may have multiplied there while the land was in the hands of a middleman, or have been introduced in defiance of covenants against subletting, or may be mere *squatters* without a pretence to title. But they are there; and 'the due maintenance of the population is a primary 'condition inherent in the principle of the law under which the 'owners of landed property hold their estates.'† It may be impossible to find for them remunerative employment. Then, let them be employed on what is not remunerative, piers, harbours, and public buildings. The expense of maintaining them swallows up the whole rent. Then, let the estate be divided among them. 'The people are to be fed and employed. If the land-'lords have the power and the will to perform this duty, well. 'If they will not do it, or cannot do it, or have not done it, the 'State must step in and compel them to do it, or do it for them 'at their expense. If the State refuse or neglect to perform this 'office, the people must *right* themselves by a Revolution.' Doctrines more subversive of property, and therefore more subversive of government—of civilization, and of human morality and happiness, were never proclaimed by Fourrier or by Owen, by Robespierre or by Babeuf.

We do not accuse Mr Scrope of being consciously an anarchist. We believe him, indeed we know him, to be a man whose

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* Pp. 59, 60. † P. 40.

intentions are excellent; and whose views and opinions on subjects unconnected with Poor-Laws are enlightened. But living among the abuses of the English poor-laws has pauperized his mind. He belongs to the class described by the English Commissioners of Inquiry as unfitted, by their familiarity with the vices of the English system, to understand the principles on which a Poor-Law ought to be based.

'To suppose,' (say the Commissioners,) 'that the poor are the proper managers of their own concerns; that a man's wages ought to depend on his services, not on his wants; that the earnings of an ordinary labourer are naturally equal to the support of an ordinary family; that the welfare of that family naturally depends on his conduct; that he is bound to exercise any sort of prudence or economy; that any thing is to be hoped from voluntary charity;—these are views which many of those who have long resided in pauperised districts seem to reject as too absurd for formal refutation.'

It may be said, however, that there is a mode of extending the Irish Poor-Law, to which the objections which we have opposed to Mr Scrope's scheme do not apply. Some of those who admit that to give a right to relief would be ruinous, think that a discretionary power to afford out-door relief, out of the rates, might be entrusted to the guardians. It is true that the objections to this plan and to Mr Scrope's are not the same; but though different in kind, they are not less in degree. If we had to choose between the two, we had rather, on the whole, pass an act embodying Mr Scrope's proposal. The mischief of such a law would be apparent the instant it was attempted to be executed. Rates of fifteen or twenty shillings in the pound, must immediately be levied. Improvement would cease, farms would be given up, those who now pay rates would have to receive relief instead of contributing to it, voluntary employment would be at an end, estates would be abandoned, the Boards of Guardians would be besieged, like Mr Jeston at Cholesbury, by the applicants for food—numbered not by hundreds but by thousands, demanding it not as a favour but as a right—and, after a period of misery, and probably of riot and outrage, such as even Ireland has never suffered, the law would be repealed by acclamation. The evils of a discretionary power of out-door relief would be gradual. They would advance in Ireland, as they did in England, by steps, with this difference only, that their progress would be far more rapid. But though comparatively rapid, the progress would be slow enough to render the mischief irremediable. The disease would have time to become organic before it became alarming.

The difficult problem—How public relief may be best afforded,

has exercised the minds of all reflecting men, for the last two hundred years. On no question in political science have the facts been so abundant, or so carefully collected and arranged, or made matter of such diligent comment. The subject is far from exhausted; but a few leading principles have been established. One is, that public and private charity must be governed by rules, so different as to have little in common. Both indeed may be misdirected, but only one of them can be corrupt. A man who gives from his own purse may be mistaken: he may be too indolent, or too busy, to enquire as to the facts which form the case of the applicant, or too ignorant to know how to deal with them; but his motives at least must be pure. All that he gives is taken from his own means of enjoyment. The man who gives out of his neighbour's purse, makes no sacrifice whatever. He indulges his sympathy without expense. It is obvious that this alone may be the source of unbounded profuseness. *Nemo tam parcus quin prodigus ex alieno.* But other motives soon step in. He finds that popularity and influence can be obtained; that his dependents or relations can be provided for; that his tenants and debtors may be rendered solvent; that his customers may be supplied with funds, and his labourers with wages. Hence came the mal-administration which brought England to the brink of ruin. Experience has now taught us a further principle, namely, that the check must be imposed, not on the giver but on the receiver; that the extension of relief to unfit objects must be prevented, by requiring it to be accompanied by conditions to which none but fit objects will submit; and for this purpose, that public relief must be so administered as to render the situation of its recipient less eligible than independence.

This is one of the points on which private and public charity most remarkably differ. Private charity strives to prevent its gifts from occasioning pain. It hides them from the world, and even from the object himself. It disguises them in the form of loan, or of employment. It wishes him to believe that what is really a gift is a payment, the result not of his poverty, but of his industry and good conduct. When it neglects or fails to do this, and makes mere indigence the notorious ground of relief, it produces many of the evil results of ill-administered public charity. It offers a premium for indigence, and therefore for the idleness, waste, and improvidence, which are the principal causes of indigence. It creates more destitution than it relieves.

Public charity, on the contrary, must necessarily be open and avowed. Its distributors deal with other men's property; they are the guardians of a public fund. To escape the grossest jobbing and partiality, they must act on fixed principles. Their

duty is not to reward industry or good conduct, but to relieve indigence. In attempting to perform this duty, they incur two great dangers. First, that indigence will be simulated; and secondly, that when real, it will have been occasioned or promoted by the prospect of relief.

The labouring population of every country is condemned by nature to a life, which is one struggle against want.

> 'Si brachia forte remisit
> Ast illum in præceps proni fert alveus amnis.'

Hunger and cold are the punishments by which she represses improvidence and sloth. If we remove those punishments, we must substitute other means of repression. The pauper must purchase by some other sacrifice his immunity from the ordinary obligations of life; or, in other words, we repeat it, his situation must be rendered less eligible than that of the independent labourer. It is obvious that this is not done, if the relief is afforded to him as a supplement to his other means of subsistence. If the Union pay the rent of his cottage, or give him allowance in aid of his wages, or head-money for his children, such relief is all pure gain to him. Without adverting to its other fatal consequences, it is sufficient to say that it renders his situation, instead of less eligible, more eligible than that of the independent labourer. The union, therefore, must take possession of him. It cannot allow him to be a farmer or a labourer on his own account. It must provide, therefore, for his whole maintenance, and that of his family. And that maintenance cannot even in England be less abundant than that of an average labourer. In Ireland, public opinion would require it to be even more abundant. The standard of wants, to which the low civilization of the Irish labourer has accustomed him, is so depressed, that the guardians would be execrated if they used it as a scale. What other modes then remain, by which the object may be effected? only two have been suggested—Confinement in a Workhouse, and Public Labour.

The propriety of enabling the guardians, at their discretion, to afford relief to the able-bodied and their families in the workhouse, need not now be considered. They have that power by the existing law. The question is, can they, without sacrificing the principle that relief must be made less eligible than independence, be allowed to relieve them on the terms of their being employed on public labour. To render that labour less eligible than independence, it must be worse paid, or more severe, or degrading. Worse paid we have shown that it cannot be. More severe it may be made in a few instances. A tailor may be easily fatigued by setting him to break stones, or a weaver by forcing

him to dig; but an agricultural labourer, and such are the bulk of the Irish poor, cannot be forced to work for the public harder than he works for a master, or so hard. Even the convicts in our dockyards, who laboured under the eye of vigilant superintendents, and with the lash always before them, never did more than one-third of the work which would have been performed by workmen stimulated by wages. Degrading, without doubt, the employment might be made. The paupers might be harnessed, as our own were, to carts; they might be sent, as our own were, ten miles to carry an ear of wheat and bring back an ear of barley; they might be set to dig holes and fill them up again; but are these the terms on which a nation ought to offer its charity? If it were morally right, would it be safe, would it be practicable, to do so in Ireland? We know that it was not safe to do so in England. If it were safe, would it be justifiable? We have shown that parish employment under any form is corrupting. What must it be when it is intentionally an instrument of degradation?

In fact, the experiment of providing relief by public labour, has recently been tried in Ireland. The late government endeavoured to provide against the failure of the potato crop, by issuing a large sum of money to local relief Committees—to be expended in employing on public works those who could be proved to have no other means of subsistence; the wages in every case to be fixed below the usual rate of wages in the neighbourhood.

We have now before us an extract from a Treasury Minute of the 21st July 1846. It states that the ordinary resort of Irish labourers to England, for the purpose of participating in the high wages consequent on the getting in of the hay and corn harvest, has been in some parts of the country suspended; that the great public works for the improvement of the Shannon, and for the drainage of the country, have, to a considerable extent, been left without workmen; and that the people employed on the relief works have indulged in habits of indolence—preferring the receipt of an eleemosynary allowance, under the name of wages, to higher wages proportioned to the labour performed.

The alarm of the Treasury, as the following passage will show, was not without foundation:—*

'We have delightful summer weather since Wednesday last, and the fast ripening crops of grain are bending in all the fields around us under their glorious burden. Many acres of corn are ripe for the sickle, which

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* We copy this passage from the *Limerick Chronicle*, of the first week of August last.

is but partially at work; and as another week of such genial sunshine must, at this season, mature all the heavy crops in good soil, farmers will require every assistance of which the labour of the country is capable; but where can they have it, as the harvest-helpers are employed by all the district relief committees, making roads, filling gripes, and cutting hills, a labour of secondary consideration? There is just now a vital crisis to the agriculturists of Ireland, and it should not be neglected. We must be excused for citing, only in its literal and simple meaning, those remarkable figurative words, "the harvest truly is plenteous, but the labourers are few." So it is with the harvest which now loads our fields.—The admonition is timely. The farmers are unable to save the crops, wanting those labourers who have left their ordinary service to seek temporary work upon hills and roads. We seriously recommend the relief committees to reduce the number of hands, and allow the harvest work to proceed, as being an object paramount to all others; and were it only for a fortnight, to stay all further progress on public works until the harvest crop is saved from impending danger. Country gentlemen, magistrates, and clergymen of both persuasions, will see the absolute necessity of attending to this caution, and let the able-bodied labourers return, for one month at farthest, to their usual field work.'

We wish that the preference of employment as alms to independent labour—base as such a preference is—had been the worst fault exhibited by the Irish in their new state of able-bodied paupers. The same Paper relates three distinct cases of outrage and riot; produced either by a diminution of the supply of eleemosynary employment; or by the exaction of the conditions on which it was supplied.

'Mr Thomas Dowling, Steward to the Board of Cumass, in this county, was dragged out of his bed last night by a strong party of armed men, who beat him without mercy, inflicting several wounds on his head and body. His sister, who strove to save him from their vengeance, received two severe blows on the head, and one of the ruffians broke the stock of a pistol, in striking their unfortunate victim on the head. Dr Samuel Bennett was called up after the party left, to attend the wounded man, whose life is in imminent danger. Dowling's presumed offence was, that he acted the part of a faithful and impartial steward.

'A number of armed men, on Tuesday night, assembled at Coonagh, and set to work, cutting a trench across the public road; after which they set up a stile stone, and affixed thereto a notice, of which the following is a copy:—"Take notice, that Lady of Currafin has given a visit to the Thenorth libertie to see how they are situated in labour, and now she sees that there are no public works carrying on there, and if it don't be carried on, that she must rebel against them, and if the put her to trouble of coming again, the may remark the consequences. Any man that Lays a hand to this job, that is Done by her Ladyship he may remark the consequences after—but if the Farmers of this place enterfare as they did before in this Business, Heavins and Mighty the

will Get the Death of * * Let no person touch this job untel the work is laid out."

'A serious row was anticipated on the public works at Kilmallock, on Thursday last, several hundreds of persons having assembled on Quarry-hill, outside the town, shouting out "blood or work," forcing the implements out of the hands of persons employed there. The engineer, Mr Dorman, finding it impossible to check their violence, aided by the police, under Constable Adderly, found it expedient to send for John Freke Evans, Esq., J.P., who was promptly in attendance. He called on the multitude to desist; and, after exhorting them to obedience to the laws, and explaining what the government had done, and were disposed to do for them, and pointing out the certain evil consequent upon outrage, concluded amidst shouts of applause, promising them that their wants should be immediately attended to. Works to a large amount have been since ordered for this locality, by the Board of Works.'

In the last case, it will be observed, that the Justice of the Peace rewarded the rioters by a promise, 'that their wants 'should be immediately attended to.' It is no wonder that he concluded amidst shouts of applause.

We do not believe, however, that this is the manner in which a discretionary power to afford out-door relief would be exercised. The guardians would be deterred by its danger, its trouble, and its expense. They would abandon the principle of making relief less eligible than wages; and resort to the popular, the easy, and, as they would consider it, the comparatively cheap expedients of allowance in aid of wages, payment of rent, and head-money for children. We know what were the results of these abuses in England. Have we any reason to suppose that they would be different in Ireland? Have we not irresistible grounds for affirming that the only difference would be that they would be less gradual, but if possible more calamitous? The numbers apparently requiring relief would be much greater, the means of affording it would be much smaller, and the motives to fraudulent and profuse administration more powerful. In England, the awarders of relief were the Justices. They had no *pecuniary* motive to sanction abuse. Their interest lay the other way. They suffered as rate-payers or landlords, and did not gain as employers or tradesmen. The overseer, indeed, if a farmer or shopkeeper, might profit by the relief which he gave to his labourers or customers; but he acted under a strict responsibility, and had to bear the loss if his payments were disallowed. The bulk of the Irish guardians are small farmers, little removed from the class from which the applicants will come. In three out of the four provinces of Ireland, that is to say in those in which tenant-right does not exist, they are tenants, forced by the competition for land, to pay the utmost rent which

the existing state of cultivation will allow. The rates, therefore, on whomever assessed, will really be paid by the landlords—landlords generally of a different race, of a different religion, and of different politics from their tenants, with whom they have little intercourse and no sympathy. Will the elected guardians resist the temptation of assisting their friends, at the expense of those whom they have been taught to think their enemies? If they are proof against solicitations, will they also be proof against threats? Will a guardian whose house is roofed with thatch, feel safe in belonging to the economical party? What scenes will every annual election of guardians produce, when the landlord, feeling that his whole property is at stake, strives to coerce his tenants to vote for his nominees, and the priest heads the partisans of charity?

Although we believe, on grounds which we have endeavoured to explain, that to attempt to provide relief or employment for the Irish Poor, by any of the means which we have considered, would be most mischievous, we yet think that there are measures by which those purposes might, to a certain extent, be safely effected. These are founded on the recommendation to which we have already alluded, of the Irish Commissioners of Inquiry, as to the assistance of Voluntary Charitable Associations.

The Commissioners recommend that all Associations for charitable purposes be empowered to put themselves in connexion with the Poor-Law Commissioners; that they then be bound to conform to all such regulations as the Commissioners may make for their guidance; that each association annually transmit to the Commissioners, together with the accounts of its past expenditure, an estimate of its probable expenditure and probable funds for the ensuing year; and that the Commissioners be authorized to award to it, in aid of its own funds, such grant as they may think proper. The grant to be provided out of a rate to be levied over the whole landed property of Ireland, and called in the Report 'The National Rate,'—to distinguish it from other rates imposed on each district for its own local purposes. It may be objected to this recommendation, in the form in which we have stated it, that it gives to the Commissioners a power of directing the application of a national fund to local purposes; which, in the hands of a central body, necessarily ignorant of details, and liable to fraud, would always be suspected of abuse, and not unfrequently with reason. This is true, and, instead of enabling the Commissioners to aid such Associations to an unlimited extent out of a national rate, we think that the aid ought to be supplied to the Associations in each Union, out of the rates of the Union, to an extent not exceeding one-third of the sum

voluntarily raised; and only on the vote of a majority of the guardians present. The Commissioners ought to be empowered to disallow or to reduce the vote, but not to increase it. Such a measure could not do harm. The amount of the sum to be raised by rate would be limited—first, by the amount voluntarily given—secondly, by the will of the guardians—and, thirdly, by the controlling power of the Commissioners—and the Commissioners would prevent its being applied mischievously, or merely uselessly. But we think we can show that it would do good; and as that good would be unmixed, even if it were not great, it would be a sufficient motive.

It is a strong proof that this world is a place of trial, that none of our affections are absolutely good or absolutely evil. The medium in which excellence consists may, as to some emotions, be nearer to one extreme, as to others to the other; but it always *is* a medium. Even the malevolent passions may be deficient, and the benevolent excessive. Charity is no exception to the general rule. Subjectively considered, that is to say, as respects the person from whom relief is asked, we believe that the more mischievous extreme is deficiency. We believe that the man who systematically rejects every application, injures his own mind more than he whose bounty is careless, and therefore indiscriminate. But objectively considered, that is to say, as respects the applicants for relief, and the society of which they form part, we have no doubt that the balance of evil is on the side of profuseness. The mass of mankind will not work for themselves, save for themselves, or even think for themselves, if they can get others to do it for them; many will give up, and almost all will relax, their industry, activity, and forethought, if they believe that a substitute for their results is to be obtained from charity. Sometimes indigence will be counterfeited in the hope of relief, but more frequently it will be actually incurred. The candidate for alms lives from hand to mouth. Whatever he gets he wastes in immediate sensual enjoyment, or hoards in the form of money about his person. His claim would be diminished if he or his family showed an appearance of comfort. It would be diminished if he were known to be in regular work as a labourer, or successful as a little farmer or cottier. Indeed the professed medicant, who relies on voluntary alms for his whole or his principal support, has seldom a fixed habitation. He would quickly wear out the charity of his neighbours: he becomes therefore a wanderer, and hence mendicancy and vagrancy are often treated as synonimous. The wish to be what, in the language of the labouring classes, is called respectable, to appear to be above indigence,

and even on the way to comparative wealth, is the great source of their improvement. It is the great source of their diligence, their frugality, their cleanliness, and their health. When this motive is not merely absent, but is replaced by an opposite desire—when the object of the family is to appear miserable, no one can doubt the certainty or the rapidity of its degradation.

To check mendicancy is therefore one of the most anxious tasks of a Government, which strives to improve the condition of its people. One expedient is to punish vagrancy; for vagrancy, as we have remarked, is the most profitable form of mendicancy. In many parts of the Continent the vagrant is what he was formerly in England—an outlaw, hunted down, whipped, and perhaps enslaved for life. Sometimes the State endeavours to prevent the imprudence which leads to it, by prescribing to the labouring classes the employments which it thinks most for their benefit—by punishing idleness, and by impeding marriage. This is what is called Paternal Government, under which the people are treated as children, and denied freedom of action lest they should abuse it. When these expedients fail, and they always do fail, the State sometimes tries to restrain the donor, as well as the recipient, by prohibiting indiscriminate alms-giving. This attempt also uniformly fails. Men will not co-operate as prosecutors, or witnesses, or judges, in punishing benevolence however misdirected. Another expedient is to give to all the destitute a legal right to relief; and thus, in the words of the Poor Law Commissioners, to disarm the mendicant of his weapon—the plea of destitution. This is certainly a powerful damper of indiscriminate alms-giving. It enables the really charitable to confine their assistance to the cases which they have an opportunity of examining; and which on investigation appear to deserve relief different from that which the law affords. And it gives to the busy, the indolent, and the penurious, an excuse for indiscriminate refusal. But we have seen that these advantages, such as they are, are generally purchased at an extravagant price. We have seen that, unless accompanied by conditions which, whether capable or not of being enforced in England, are certainly inapplicable to Ireland, a right to relief depending simply on destitution, must in time destroy the property and the civilisation of the community, which has been blind enough to grant it. The mendicancy of Ireland is frightful. It scatters contagion, moral as well as physical, through the country. But its mischiefs seem small, when we compare them to those which the pauperism of England actually produced. They disappear, when we compare them to those which that pauperism would have occasioned, if it had not been checked by

the Poor-Law Amendment Act; or to those which it will occasion, if the influence of that act be materially impaired.

If, then, the evils of indiscriminate charity cannot, at least in Ireland, be checked merely by laws attacking it directly—if it be impossible by direct legislation effectually to prohibit mendicancy, or to prevent idleness and imprudence, or to punish almsgiving—and if to grant a legal right to relief would be ruin, the only remaining course seems to be that which we have proposed—namely, to encourage Private Charity, but also to regulate and direct it.

There exists, probably, no European Community, in which the tendency to charity is so strong, as it is among the Roman Catholics of Ireland. It is strengthened by inveterate habit, by the constant presence of distress, by the consciousness in the mass of the population that they themselves may have to implore it, by a sense of religious obligation, by a belief that through a constant intervention of Providence it never impoverishes the giver, by a reliance on the efficacy of the beggar's prayers, and by a fear of divine vengeance attendant upon his curse. It has not been checked by the existing provision for the poor, nor does it appear that any law can effectually restrain it. But though it cannot be opposed, we believe that it may be guided. We believe that many of those who now throw out their alms to strangers, without knowing whether they are doing great good or great evil—whether they are relieving unmerited distress or promoting imposture, idleness, and vice—would rejoice to have a channel pointed out for their charity, in which it would be sure to be beneficial; and in which they would be able to superintend its application, and to trace its results. If the greater part of the fund now employed in encouraging mendicancy, were merely destroyed—if, like the gifts of an Eastern magician, the money could turn to leaves in the beggar's pocket—though no positive good would be done, much evil would be prevented. But, under the scheme which we propose, the purposes to which the rescued fund would be applied would have no ordinary utility. They would be eminently beneficial; for they would produce the same results as those which are produced by one of the most useful of human virtues—well-regulated private charity.

Compulsory charity, that which is supported by assessment, must, as we have seen, be rendered less eligible than independence. It must be made painful, and therefore is degrading. Private charity need not interfere with the habits of the recipient. It may sometimes be made an incentive to his industry; it may sometimes be a reward instead of a degradation. We do not mean to say that this ought to be its usual course: the interference of the

higher classes in the concerns of the independent labourer, in any form except that of advice and sympathy, must be sparingly exercised; but the possibility of such an interference is an important difference between public and private charity. Another important difference is in point of expense. Public charity, as we have seen, must undertake the whole charge of the recipient. Private charity is never so efficient as when it comes in aid of his ordinary means; when it supplies an unsuspected loss; or meets an unforeseen emergency.

A plan, in some respects resembling that which we propose, has for centuries been acted upon in Scotland; one-half of the Church Collections, which in many parishes constitute the whole parochial fund, might, under the old law, be distributed by the Ministers and Elders at their discretion; and in the rural districts they usually applied discretionally the whole. The Poor-law Inquiry Commissioners for Scotland, recommended that the whole of the Church Collections should be so distributed. 'The Evidence,' they say, 'demonstrates the advantages which arise from affording assistance to persons who have been reduced by temporary calamity, so as to save them from sinking in the world, and losing their position in society. Small sums privately bestowed by the minister or elders, whether by way of charity or loan, will often help to rouse the dormant energies and sustain the drooping spirit; and by such well-timed assistance a man may be enabled to get over his difficulties and resume his station in the world, without the consciousness of having been degraded into that of a pauper. In the case,' they add, 'of continued sickness, or occasionally during a stormy winter, when field operations have been long interrupted, the family of the agricultural labourer may be reduced to distress. But we have found, that any instance of distress which might thus occur, has been promptly provided for, by a judicious exercise on the part of the Kirk-session, of the discretionary power entrusted to them, of applying for the relief of such cases, a certain proportion of the church-door collections. Besides, it appears from the evidence, that when any such case has occurred, the allowance given from the parochial funds has been almost invariably supplemented by the charity of benevolent neighbours. In as far, then, as our observation has reached, there is no reason to apprehend that, under the operation of the existing law, viewed in connexion with the exercise of private charity, with which it so admirably harmonizes, any case like that now adverted to will be inadequately provided for.

'On the whole, we conceive ourselves to be warranted in

'coming to the conclusion, that, as regards the rural parishes of 'Scotland, the operation of the present law makes as near an 'approach as is attainable, under existing circumstances at least, 'to the system of relief which sound principle points out as ap-'plicable to the case of the able-bodied poor. It preserves to 'the objects relieved their *status* in society; it keeps the family 'circle with all its invaluable relations unbroken; it administers 'relief through a friendly and sympathizing channel; and it 'affords, again, to the affluent members of the community both 'an opportunity, and the means of dispensing their charity, 'in supplement of its own allowances, with judgment and dis-'crimination. Thus, while it relieves the wants of the needy, 'it excites in them at the same time emotions of gratitude, 'makes them realise the value of good conduct and character, 'probably opens up to them, if deserving, in case of their 'strength being impaired, new sources of employment suited to 'their diminished capabilities, and by all these means, and others 'of a like nature, fosters in them through a powerful appeal to 'every better principle, the full development of a contented, 'thankful, and independent industry.*

The last remark which we have to make on the proposals for extending the Irish Poor-Law is, that so far as they are supported by a reference to the assumed success of the English Poor-Law, they are founded on an assumption, which may turn out to be premature. The evils which the unamended Law tended to produce were the most fatal with which internal causes have ever threatened a civilized nation. They amounted to no less than the ruin of all the proprietors, and the corruption of all the occupiers and cultivators of the soil. For nearly a century the mischief went on steadily increasing. Government after government tried vain expedients, or looked on in inactive despair. At length, the almost despotic power given to Lord Grey's government, by the first Reformed Parliament, enabled it to apply a partial remedy. The Poor-Law Amendment Bill was passed, and the plague, though not eradicated, was stayed. The remedy might have been effectual, if the recommendations of the Commissioners had been followed; and the out-door relief of the able-bodied prohibited by the act. Bnt Lord Grey's administration, though the strongest that we have ever seen—the strongest that we are ever likely to see—thought itself unable to resist the habits of a century. The general prohibition of out-door relief, which formed a part of the earlier draughts of the bill, was struck out; and a

* Report of the Scottish Commissioners, p. lxviii.

clause was substituted, enabling the Commissioners to prohibit or allow such relief at their discretion. Out of the 595 unions into which England is divided, they have issued a prohibitory order to 478. But the order is subject to so many exceptions, that, at the last return, out of 1,470,970 relieved, only 215,325 were inmates of the workhouse.

In the mean time, the operation of the Act has been subject to every form of unremitting, unscrupulous impediment. It was unavoidably unpopular. It diminished the power of the Magistrates; it interfered with the frauds of the Vestries; it forced the Farmer and the Manufacturer to pay their own workmen; and it offended the Prejudices of the ignorant. The restrictions which it imposes on the pauper are to this extent *penal*, namely, that their object is to make pauperism less eligible than independence. Its advantages are diffused over the whole body of landlords, rate-payers, and labourers. It has saved the property of the two former, and the morals and freedom of the latter. The loss which it has occasioned is concentrated upon the comparatively few whose influence it has abridged; whose peculations it has checked; and whose powers of oppression it has destroyed. The majority, as is usual, enjoy its benefits in indolent silence. The minority are clamorous and active. The unhappy error of allowing the Commission to be temporary, has been a new stimulus to opposition, at every successive period of renewal. The Newspaper Press, with a few exceptions, have been sedulously employed to confirm the prejudices, and inflame the passions of the half-educated—to pander to coarse tastes and political ignorance, by inveighing against the separation of the sexes, the enforcement of labour, and the want of recreation; and by stories of infanticide, on the refusal of a pension to which the mother of a bastard was formerly entitled. Tory candidates in the counties, and Radicals in the towns, have proclaimed the tyranny of the Commissioners, the sufferings of the poor, and the wickedness of treating poverty as a crime; and have bid for votes by promising to restore what they called, with Mr Scrope, the 'Elizabethan Law.' It is true that few, perhaps none, were wild enough to intend seriously to perform this promise; but many have had the weakness to endeavour to seem willing to perform it. This has given to the Commons the appearance of hostility to the amended law. Those who have denounced it at the Hustings have thought themselves forced to carp at it in the House. The Triumvirate has been a Target in which every demagogue has endeavoured to fix his arrow. The Assistant Commissioners have been reduced in number to nearly one half; and yet the Commissioners have been held responsible

for abuses, which they have not been allowed the means of detecting. They have been treated after the Egyptian fashion : the tale of bricks has been increased and straw refused. They have been deprived of their organs, and then required to be omniscient.

Under the influence of all these obstacles, it is unquestionable that the administration of the amended law is retrograding. The following are the sums expended for the relief and maintenance of the poor, from Ladyday 1836, when the Amended Law may be said to have come into full operation, until the last return :—

1837	. .	L.4,044,741
1838	. .	4,123,604
1839	. .	4,406,907
1840	. .	4,576,965
1841	. .	4.760,929
1842	. .	4 911.498
1843	. .	5,208,027
1844	. .	4,976,093
1845	. .	5,039,703

It will be seen that during a period, not merely of profound tranquillity, but of eminent prosperity, the expenditure has gone on increasing, until, in eight years, it has risen nearly twenty-five per cent. If its advance be not checked, it must in time eat away the whole rental. And, if the landlords try to save themselves by shifting the object, instead of by repelling the attack ; if they try to divert it, by offering to it Funded Property, or the Profits of Trade or Professions, or the National Revenue ;—if they weaken the local powers and motives of resistance, and trust our defence solely to central superintendence—though the ruin of the Land may be deferred, the ruin of the Country will be accelerated. We trust that we shall escape these as we have escaped many other perils which seemed scarcely avoidable ; but we must say that of all the dangers to which we are exposed, those connected with the Poor-Law are the most threatening. Scotland and Ireland are bound to study the experience of England, not as an incentive, but as a warning.

Our plan, which is merely an amendment of the recommendation of the Irish Commissioners of Inquiry, would give to Ireland a system, in one respect resembling that which has acted so well in Scotland.

Art. II.—*A Selection from the Speeches and Writings of the late Lord King. With an Introductory Memoir.* By Earl Fortescue. 8vo. London: 1844.

The ingratitude of mankind towards their benefactors has long been notorious. It is not, indeed, universal. Neither Cromwell, nor Napoleon, nor O'Connell, could complain of ill-requited service. But in general it will be found that those whose merits have been promptly and adequately recognised, have been men who have participated in the opinions and the passions of those around them. They have been statesmen, or soldiers, or demagogues, whose objects have been the same with those of their contemporaries, and who have differed from them only by perceiving more clearly, or employing more unscrupulously, the readiest means of attaining them. Men of a higher moral and intellectual character—men who are unaffected by the prejudices of their age and country—who refuse to aid in gratifying irrational desires, or in maintaining irrational opinions—must not expect power or even popularity. They labour for posterity, and from posterity they must receive their reward.

But even posterity is not to be depended on. It does not, indeed, treat the memory of those to whom it owes its wisdom and its prosperity as its fathers treated their persons. It does not hate or despise, but it often neglects or forgets them. This is peculiarly the case where the services rendered have been those rather of a Teacher than of a Legislator—where they have consisted in exposing fallacies, softening prejudices, stigmatising selfishness, and preparing in one generation the way for measures which are to be adopted by another. The Prophet has no honour in his own country, nor, unless he be a worker of miracles, in his own time. Some think him a visionary, others an enthusiast, and others an incendiary or an anarchist. But his opinions gradually spread. They are first accepted by students, then by that portion of the educated classes which is not misled by politics or party, then by the mass of the people, and at length they force their way into the Legislature. The proposed reform is supported by minorities small at first, but gradually, though not regularly, increasing. At last it becomes an Open Question in the Cabinet; and then, though the mode in which it is to succeed cannot be foreseen, its final success may be predicted. The constantly recurring inconvenience of debates in which those who sit on the Treasury Bench have to answer one another—the

unceasing pressure from without, or some accident—a Clare election, a Revolution in France, a Financial deficiency, or a potatoe disease—effects the conversion of the head of the Ministry. He declares to his colleagues that the country has too long suffered from opinions which he now finds to be absurd, and from courses which he now finds to be mischievous. He announces that the measures which he and they have spent their lives in opposing must now be carried by a united cabinet. It is seldom that any of his colleagues resist. If any do, they are ejected. The public is too much delighted with the result to criticise narrowly the means by which it has been brought about. Still less does it stop to enquire who they were, who, in former times, discovered, or established, or kept alive the doctrines which are now bringing their fruit. It allows the Temple to be dedicated to him who first opened it for worship and use. His name is inscribed on the pediment; his statue stands in the portico; and after ages ascribe to him a fabric which, if he had been listened to, would never have been erected. Those who invented the plan, and dug the foundations, and raised the walls, are forgotten, or remembered only by political antiquaries.

If the Tract, the title of which we have prefixed to this article, had not been published, this would unquestionably have been the fate of Lord King. It may be his fate even notwithstanding that publication; and it is in the hope of averting such an injustice that we call the public attention to its contents.

Lord King was born in 1775, succeeded to his title in 1793, took his seat in the House of Lords in 1797, and appears to have spoken for the first time in 1800. From that time until his death in 1833, he took an active part in debate. It is not easy for a party man, and Lord King was a steadfast Whig, to be a regular debater, and always to conciliate his allegiance to party with his allegiance to truth. It is not easy when his party is in power; it is still more difficult when it is in opposition. For since a Cabinet is generally far superior, both morally and intellectually, both in knowledge and in public spirit, to the mass of its supporters, its measures are seldom positively wrong. Its fault consists not so much in what it does, as in what it omits, and an undiscriminating opposition must therefore often be an opposition to what is right. We can suppose a man honestly and wisely to support the measures of a government during a whole session, and at the end to join in a vote of want of confidence; just as we can suppose a man to approve separately of each act done by his servant, and yet to discharge him for gross omissions of duty. But, to do this, requires great forbearance and freedom from the party spirit which is the

besetting sin of the members of a deliberative assembly. This difficult task, however, Lord King appears to have achieved. Lord Fortescue has given us the substance of between seventy and eighty Speeches, delivered during more than thirty years. During the whole of this long period, except the last two years and a half, and the brief Whig administration of 1806, Lord King was in opposition. And yet we can find no traces of faction, no deviation for a moment from the straight line of truth, either to excuse the faults, or to serve the purposes of the party with which he acted. Some mistakes, of course, there are. No man at the close of a long public life can look back at his own conduct, and not discover in it much that experience shows to have been erroneous. But the amount of practical error into which Lord King fell is marvellously small. It is confined, indeed, to his conduct respecting the Spanish Negotiations of 1822, and 1823.

No one, we suppose, now questions the wisdom of Mr Canning's conduct of those Negotiations. It is admitted that he boldly and decidedly separated the policy of England from that of the Holy Alliance. That to prevent the invasion of Spain by France, he interfered by argument and by advice—remonstrated, in short, by every means short of actual menace. That to employ menace, without intending to support it by war, would have been degrading, and to engage in war when no important British interests were affected, unjustifiable. Lord King, however, supported Lord Ellenborough's motion for an Address to the Crown—declaring that the honour and interest of the nation had not been supported in the Negotiation, and expressing an opinion that more decided measures might have prevented the invasion. He said, 'that he had 'read the papers on the table with shame, grief, and dissappointment; that he could not find in them one honest or manly 'sentiment, one opinion suited to the occasion, one declaration 'becoming candid or upright statesmen. He denied even that 'this forbearance was to be imputed to prudence. It was 'apathy and indifference to the cause of Spain and of liberty. 'To find a parallel, their Lordships must go back to the times 'of the Stuarts.' *

But though we now see that all this was unjust as criticism, and that conduct bottomed on such feelings would have been most mischievous, instead of wondering that Lord King should, on one occasion, have been guilty of mistake, we honour his memory

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* P. 321.

when we recollect that the mistake was a single one, and arose from honest indignation at one of the most revolting incidents in the long and calamitous history of the oppression of Spain by France.

It must be admitted, however, that, during a considerable portion of Lord King's political life, to carry on honestly a systematic opposition was much easier than it has since been, or than it had been for many years before. The Percival administration, and that of Lord Liverpool, until it was somewhat liberalized by the death of Lord Londonderry and the preponderance of Mr Canning, were the two worst governments which this country has endured during the last sixty years. It was the period of Lord Eldon's ascendency, and bears the mark of his uncultivated intellect;—his narrow sympathies, his restless jealousy, his fierce prejudices, his general ignorance of the causes on which the welfare of the Empire depended, and his indifference to that welfare even in the few cases in which he could understand the means by which it might have been promoted. Administrations in which such a spirit was predominant were naturally administrations of delay, inaction, and repression. Their object was to keep the country stationary, to support bribery in the boroughs and intimidation in the counties; to keep the Catholic degraded, and the Negro enslaved; to restrict our commerce or misdirect our industry; to support corruption by patronage, patronage by large establishments, and large establishments by grinding taxation; and to make that very taxation a plea for prohibitory duties on the necessaries of life. When misgovernment produced distress, and distress discontent, they applied their remedies, not to the disease but to the symptoms; they tried not to remove disaffection, but to repress its expression; they prosecuted the Press; they let loose the Yeomanry on public meetings; and suspended the Habeas Corpus.

It is much to be regretted that Lord King, in his carelessness of fame, should have preserved none of the speeches by which he opposed these weak and unscrupulous administrations. Lord Fortescue has gleaned a few of them from Hansard, but in their abridged, ill-connected form, they are mere memoranda, from which the opinions of the speaker may be inferred, but his powers cannot even be estimated.

It is not, however, to the general parliamentary conduct of Lord King that we direct the reader's special attention. The merit of having been an intelligent, bold, and unwearied opponent of misgovernment, he shared with several others. His peculiar claim to our gratitude arises from his conduct on occasions on which he stood prominent and nearly alone;

from his management of subjects as to which he was in advance of public opinion, where he had to teach doctrines now indeed familiar, but then generally denied, even by the few who endeavoured to comprehend them; and to recommend measures, most of which have already passed into our legislation, and the remainder will have done so before these pages will be in type, but which, when first proposed by him, were rejected as revolutionary extravagances.

The three subjects to which we allude are, 1. The Restoration of the Currency; 2. the Commutation of Tithes; and, 3. the Abolition of the Corn Laws.

From the time at which our acquaintance with the civilized world begins, until the seventeenth century, it has been the usual policy of governments to retain in their own hands the Coining of Money. To ascertain the fineness of a piece of metal is a troublesome and expensive process. It cannot therefore pass from hand to hand with the rapidity which the functions of money require, unless it carry some stamp in which the public confides, denoting its quality; and it seems to have been generally supposed that none but a government could be intrusted with the affixing such a stamp. As population and wealth and intercourse increased, as men became known to one another, and public opinion made fidelity to engagements a commercial point of honour, it was found that a promise to pay a sum of money on demand, signed by a person in good credit, is of the same value as the money, and for some purposes more convenient. And it was also found that this convenience enables such promises to circulate as money for a considerable time—sometimes two or three years, before some holder requires the promise to be performed. The maker of such a promise, or, as it is usually termed Note, is a borrower who pays no interest; and by employing the fund in return for which it was issued, he may make a profit proportioned to the average amount of his Notes in circulation. It is difficult to perceive the grounds on which governments, which so jealously reserve to themselves the privilege of coining Metallic Money, should so frequently and so easily have allowed subjects to coin Paper Money. It is often as difficult to ascertain the value of a Note as that of a Sovereign. Indeed, much more so, since the senses give no assistance. Paper money may be issued in excess, which can scarcely be the case as to metallic money, and that excess may be very mischievous. And as its issue is profitable, while coining metallic money is generally a loss, there is always a danger that it will be so issued. But notwithstanding these *a priori* grounds for expecting the contrary, most governments have allowed their subjects, or cer-

tain portions of their subjects, to issue notes with little restraint or even superintendence. No European government has done this more freely than the British. It has gone, indeed, far beyond mere permission. It has relieved the issuers of notes from individual responsibility, by creating in all the three kingdoms incorporated or Chartered Banks, in which only the funds of the institution are liable to its engagements. At the time when Lord King entered public life, the two principal of these institutions, the Bank of England and the Bank of Ireland, had each received a more extraordinary favour from the government. Each had been forbidden to perform its promises to pay its notes in metallic money, or, as it is called, cash.

The question, whether the first restriction of the Bank of England was or was not justifiable, must be admitted even now, with all the lights afforded to us by experience and by discussion, to be one of considerable difficulty. If that restriction had been imposed merely to save the Bank from the consequences of its own imprudence—or merely for the purpose of enabling it more easily to make advances to the government; or if Mr Pitt had foreseen the length of the period for which it was to endure, the mischiefs that it would occasion during its continuance, the ruin that might accompany its termination; or the lasting burdens that it would entail—no reproach would be too severe for his misconduct. But its object was to meet a sudden emergency, a contraction occasioned by the hoarding of specie, by the fears of immediate invasion, by large subsidies to foreign powers, and by the distress and want of confidence produced by a war, expensive and dangerous beyond all experience, which our habits were not yet formed to sustain, and which our leaders had not yet learned to conduct.

We are inclined to believe that, as far as the Bank of England was concerned, the error was not the imposition of the restriction, but its continuance. And even that continuance was, during its first seven years, in fact during the remainder of Mr Pitt's life, dangerous rather than mischievous. Its dangers can scarcely be exaggerated. It enabled the Bank Directors to change at their pleasure the standard of value of the country; and made it their interest, both as individuals and as the governors of their corporation, to do so. They might have doubled or quadrupled, or much more than quadrupled, their discounts, by charging a rate somewhat below the average rate of interest; and by confining, as in fact was their practice, their discounts to bills not having more than sixty-one, or at most ninety, days to run, they might have avoided the possibility of ever having to pay in gold the notes thus issued. Since, by ceasing to discount

within three months of the time at which cash payments were to be resumed, their notes would be sure to come back to them, before that period, in discharge of the discounted bills. The whole interest would have been pure gain; and we now know that those who then managed the Bank were unaware of the evils which such a conduct must have produced. In the remarkable examination of Mr Whitmore and Mr Pearse, the Governor and Deputy-Governor of the Bank, before the Bullion Committee in 1810, they admitted that in deciding as to the amount which they should issue, they never adverted to the value of their notes in the precious metals; they affirmed that 'the price of bullion, or the state of the foreign exchanges, 'could never be a reason for lessening the amount of notes to be 'issued.'* They affirmed that bank-notes could never be in excess, provided they were issued by discounting bills drawn by a real purchaser in favour of a real seller, 'since no one would 'pay interest for a note that he did not want to make use of.'† They were asked, 'Would the same security against any excess 'of issue exist, if the rate of discount were reduced from five to four per cent?' and they answered, 'The security would be 'precisely the same.' If it was reduced to three per cent? and they answered, 'There would be no difference. ‡

We now know that the demands of commerce for loans and discounts at a rate below the usual rate are insatiable. When the rate of interest is five per cent, the man who can borrow at four makes a profit proportioned to the sum which he borrows. With a metallic money, or with a paper money payable in metallic money, such transactions do not add to the amount of the currency, though they may enable it to circulate more rapidly; but an inconvertible paper currency may thus be increased without limit. We believe that the Bank of England is a solitary instance of any approach to moderation in the exercise of such a power. The French government gave such a power to Law's Bank in February 1720. By the beginning of May, they had issued notes of the nominal value of about L.1,200,000,000 sterling, and 100 livres in paper were worth about one in silver. The French government itself assumed such a power in 1790. In 1796, they had issued 45,579,000,000 francs—nominally about L.1,823,160,000 sterling; and 100 francs, nominally L.4, were worth about five sous, or less than three pence sterling. The paper money of the Danish government exchanged, in 1813, at the rate of one dollar in silver for

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* App. p. 97. † P. 97. ‡ P. 98.

1600 in paper. In Austria, in 1810, a silver florin was worth thirteen in government paper.

While the interest of the Bank of England tempted it to pursue the same course, though not to the same extent, the mercantile public was also urging it on. The merchants of London, at a meeting held on the 16th March 1797, almost immediately after the passing of the restriction bill, resolved,—'That it is the opinion of this meeting, that the accommodation afforded to the trade of the kingdom by the Bank of England, in discount of bills and notes, has been found very inadequate to the present extended commerce of the country. That it is the opinion of this meeting, that, without an extension of the circulating medium of the kingdom, by discount of mercantile bills and notes, the general commerce of the country will be exposed to the most serious, immediate, and alarming evils. That it is the opinion of this meeting, that the recent mark of confidence reposed in the Bank of England, by the respectable associations formed for receiving their notes, notwithstanding the Order of Council of the 26th of February, has given the merchants and traders a fair claim to reasonable and necessary accommodation.'

At a subsequent meeting, on the 24th of March 1797, they resolved,—'That it is the opinion of this meeting, founded on their own individual experience, and confirmed by fair and obvious reasoning upon commercial principles, that there is at all times, at the least, two months' supply of export and import merchandise in the custody of the merchants and traders. That it is the opinion of this meeting, that an accommodation, by discount, to the value of such proportion of the export and import trade, is both reasonable and necessary, and may be afforded without risk to those who discount bills of exchange, representing and secured by such property in the hands of the merchants and traders.'

It appears from the evidence of Mr Lushington, the chairman of the meeting, taken by the Committee of Secresy, in 1797, that these resolutions produced merely promises of increased accommodation, when the Government should have materially diminished its debt to the Bank. The merchants, therefore, had a further meeting, on the 31st of March 1797, in which they resolved,—'That, although well satisfied with the sentiments declared by the Bank Directors, they are of opinion that it is important to the mercantile interest of the country, not on the ground of individual accommodation, but upon admitted public principles, that the practice of discounts should be extended to and continued upon the scale stated in the resolutions of the

'24th of March; and that, therefore, if the Bank of England 'be incompetent to afford this necessary and reasonable aid, it 'will be requisite that some other public establishment should 'be created to supply the deficiency.' *

Lord King's first Speech on the Restriction Act appears to have been made on the 22d of February 1803. His 'Thoughts 'on the Effects of the Bank Restrictions' are dated the 20th of May 1803. When this publication appeared, we had not had the Report of the Bullion Committee—we had not had Mr Ricardo's Pamphlets—the subject had not been considered year after year in and out of Parliament by the ablest men, theoretically and practically, in the kingdom—and, above all, we had not had the experience of the sixteen years which followed. The circulation of the Bank averaged sixteen millions, the price of gold was £4 per ounce, that of silver from 5s. 7d. to 5s. 8d.; and the exchange in Hamburg varied between 36s. 3. and 35s. 4.; that on Paris between 25s. 10. and 25s. 2. The rate of interest was stationary; we had passed from war to peace, and from peace to war, without any great commercial or monetary crisis. It required great sagacity to perceive, through so tranquil a surface, the ultimate tendencies of a law which seemed to work beneficially. Lord King's Essay appreciates so justly the half-hidden dangers which surrounded the path we were treading, that it might be supposed to have been written in 1814 instead of 1803. It contains so full, and in the main so true, an exposition of the Theory of Paper Money, that after more than forty years of discussion, there is little to add to it, or to correct.

As it is the most important of his works, we will examine it rather more fully than its length may at first sight seem to warrant.

Lord King begins by fully admitting the advantages of a convertible paper currency. Perhaps he rather exaggerates them, or at least under-rates the disadvantages.

'It is,' he says, 'one of the most usual objections to such a currency, that by introducing a new quantity of the circulating medium, it occasions a depreciation of money, and a consequent advance of prices; whilst, on the other hand, writers of great authority, and among them Dr Adam Smith, have asserted, that as each portion of paper displaces an equal quantity of coin, the value of the precious metals is not affected. This opinion, though much nearer the truth than the former, and though it may be considered as true for all practical purposes, is not, however, a correct representation of the fact.

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* App., No. 18, to the Third Report of the Committee of Secresy, 1797.

'The metals, which by consent of mankind are used as the representatives of value, are employed either in manufactures, or as current coin, or in the form of bullion, for effecting the exchanges between nations; and their value will consequently depend upon the degree in which the supply for these different purposes is proportioned to the demand. It must rise or fall as the demand in each particular instance is increased or diminished. If, for example, by any change in the manners and customs of Europe, the use of gold and silver-plate should be entirely laid aside, the price of those metals must, of course, be greatly reduced. The substitution of paper for specie is a fact of the same nature, and has a similar influence on prices. So far as it displaces the coin which would otherwise be employed, it diminishes the demand for those metals for the purposes of coinage, and has precisely the same effect in reducing their general value as an actual increase of quantity to the same amount.

'On the supposition, therefore, of the whole quantity of gold and silver remaining the same, they must, in a certain degree, be rendered cheap by every increase of paper currency. But as these metals are in universal request, and circulate more generally than any other articles of commerce, the effect thus produced cannot be partial, but must extend to all other countries; and it will therefore follow, that the actual reduction in the value of gold and silver which is produced by the paper circulation of any particular country, is in the proportion of the amount of such circulation to the whole quantity of the precious metals applicable to the purposes of coinage and commerce throughout the world. It is probable that this proportion can never be very great, and experience seems to show that no considerable depreciation is ever produced in this manner. Previous to the Revolution in France, the currency of that extensive country was carried on almost entirely in silver; and the rapid emission of assignats, which was the consequence of that event, must have very suddenly withdrawn a considerable quantity of that metal from circulation. Yet this violent operation does not appear to have produced any preceptible effect upon prices, or even upon the value of silver in Europe. The extension of paper credit, which takes place in common times and under ordinary circumstances, can only produce a very gradual depreciation, which, being shared by the world at large, is not felt as an inconvenience by any particular country.' *

This is perfectly true as to the ultimate effects of a Paper Currency. The gold and silver which it displaces are added to the general stock of the world. The two metals which, next to iron, are the most useful, become less rare, and a silver fork, or a gold watch, may be obtained with less labour than before. Even the general rise of prices which accompanies the progress of the change is, on the whole, beneficial. It is necessarily very slow. Lord King has well illustrated this by the example of the slight

* P. 55.

effect produced by the vast amount of specie thrown into Europe by the French Revolution. And a slow but permanent rise of prices, like that which the supply of gold from Russia seems now to be occasioning, gives activity to all producers and dealers, without materially inconveniencing those whose monied incomes are fixed. The world in general, therefore, is a gainer, by the substitution in any particular country of paper for a portion of the coin which it previously employed. And that country itself gains by saving the wear and loss of coin, and the interest on a portion of its capital, which, though eminently useful, was not directly productive.

But while the progress of substitution is going on—unless it be so gradual as scarcely to be perceptible—unless it be so slow as to act rather by preventing the precious metals from coming in than by driving them out—the country which is effecting that substitution must suffer. It is only by means of a general depreciation of its whole currency that it can occasion a portion of it to be exported. The expense and risk of exporting coin, especially silver, are considerable. Until the exchange is unfavourable to a country, in an amount which will pay this expense and risk, and afford a profit, no coin can be exported. The coin, and the newly introduced paper, must for a time circulate together. The increase of the quantity of the currency, without an additional demand, must depress its value, or, in other words, the price of labour and of materials rises. The cost of production, therefore, of native commodities is increased; and as foreign prices have not increased, they cease to be remunerative. At the same time it becomes profitable to import some foreign articles which previously could be produced more cheaply at home. Exports diminish, and imports increase. The exchange falls until metallic money can be profitably exported. This export goes on until the gradual diminution of the currency restores its value, or, in other words, reduces prices to their natural level. It is then, but not before, that the transaction becomes beneficial. During the interval there is certainly great commercial derangement,—probably ill-founded speculation at one time, and at another ill-founded depression. While prices are rising, operations are begun, and perhaps completed, and engagements contracted, which can succeed, or be performed, only on the supposition that the rise will increase, or at least be permanent. While prices are falling, undertakings, however judicious, of which the returns are slow, and which require, therefore, immediate support, are in danger of being abandoned; in consequence of the general want of confidence, and therefore of the credit which depends on confidence. And those of which the returns are quick may be-

come ruinous, since the money returned may often be less than the money advanced.

Lord King then lays down, that a Paper Currency can be kept at a value equal to that of the coin which it represents, only 'by 'being immediately convertible into specie at the option of the 'holder.'

Theoretically, it seems that any currency, however intrinsically valueless, may be kept at its nominal value by being received in payment of taxes, and limited to the amount required by the public; and that that amount may be ascertained by watching the foreign exchanges, and diminishing the quantity issued, the instant it falls below the value of its supposed foreign equivalents. But this duty has never been perseveringly performed by a government or by an individual. The power to issue inconvertible paper has never been granted or assumed without being sooner or later abused. The same temptations to over-issue do not exist with respect to a subsidiary currency, which is not a legal tender, except for very small sums. The silver currency of the British islands is inconvertible, and is worth less than the silver which it represents. As, however, a small over-issue would not be profitable, and a large one would be refused by the public, it is kept within its proper limit. But, as respects the main currency of a country, Lord King's principle is practically and at the long run true.

He then relates the circumstances which led to the violation of this principle by the Restriction Act, and proceeds to state his grounds for believing, that the inconvertible currency created by the act was then actually depreciated, and that, on the principles of action adopted by the Bank, a further depreciation was to be expected.

He begins by noticing an *a priori* objection, namely, that the additional issue of bank-notes, then not exceeding five millions, was an addition which, even supposing all the coin to be still current, the augmented wealth and commerce of the country required. His answer contains some statements and some hints on an obscure and important branch of Political Economy, which even now deserve attention, and then were original.

'It is clear,' he says, 'that the opinion that an augmented trade requires an augmented currency, proceeds entirely upon a supposition which, though in itself very plausible, and countenanced by several writers on political economy, appears to have no foundation in fact. The argument assumes that there is in all cases some given proportion between the wealth and industry of a society and the amount of its currency, and that this proportion is capable of being known and ascertained. It is upon the ground of these assumptions that estimates have been

formed of the proportion which the circulating money of any country bears to the whole value of the annual produce circulated, which has been computed by different authors at a fifth, a tenth, a twentieth, and a thirtieth part of that value.* Without inquiring into the particular grounds of calculations which differ so widely from each other, it must be admitted that the amount of bank-notes now in circulation bears a very small proportion to the circulating wealth of Great Britain; and that it would be highly probable, on the principles of the above theory, that the directors, in their issues of notes since the restriction, have not exceeded the proper limits.

'But it will be found, on an attentive consideration of the subject, that the supposition of a given *ratio* in all cases between currency and commerce is in itself altogether erroneous; and that there is no rule or standard by which the due quantity of circulating medium in any country can be ascertained, except the actual demand of the public. The requisite proportion of currency, like that of every other article of use or consumption, regulates itself entirely by this demand, which differs materially in different countries and states of society, and even in the same country at different times. It seems at first sight, from the greater number and amount of exchanges which take place in such a state of society, that a rich and commercial nation would require a much larger proportional quantity of the circulating medium than a country distinguished by its poverty and idleness. Yet the contrary of this is probably the fact. Superior wealth and trade are causes which operate in themselves to increase the demand for currency; but they may be more than counterbalanced by other circumstances. Commercial nations have in this respect a greater advantage over others by the more skilful and judicious management of their currency. The first step in the improved system of circulation is the establishment of banks, which diminish the quantity of current coin or paper, by rendering it unnecessary for individuals to retain large sums for their constant use. A further improvement takes place in the extensive use of bills of exchange and promissory-notes, and of the drafts of bankers payable on demand, by means of which all currency is economized in perhaps a still greater degree, and a small portion is made to perform the office of a much larger. Notwithstanding the superior riches and industry of England, there can be no doubt that its circulating medium, in consequence of these improvements, is much less in proportion to its wealth and commerce than that of France, which, prior to the Revolution, was computed by M. Necker at ninety millions sterling. No commercial writer has ever estimated the circulation of England at any sum approaching to this amount.

'Even in the same country, the quantity of circulating medium required for commercial purposes, is liable to great fluctuations, and is very different at different periods. During a season of prosperity and confidence, the demand for currency, whether consisting of coin or paper, is

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* Wealth of Nations, vol. i. p. 441.

much diminished by the facility of obtaining credit. The contrary effect takes place in times of alarm and insecurity, which produce unexpected calls for payment, and put all commercial persons under the necessity of increasing their stock of currency as a provision against contingencies.

'It is manifest for these reasons that the proportion of circulating medium required in any given state of wealth and industry, is not a fixed but a fluctuating and uncertain quantity, which depends in each case upon a great variety of circumstances, and which is diminished or increased by the greater or less degree of security of enterprise and of commercial improvement. The causes which influence the demand are evidently too complicated to admit of the quantity being ascertained by previous computation, or by any process of theory.'*

Having disposed of this preliminary objection, Lord King proceeds to state his reasons for affirming the existence of a depreciation. These are—the Price of Bullion and the Foreign Exchanges.

The argument founded on the price of bullion is the least satisfactory part of the work. In the first place, he takes the price of silver instead of gold as the test of depreciation; but silver is not the English standard. When Lord King wrote, it could be legally tendered only in payment of sums under L.25; and in fact it never was so abundant as to be employed, except as small change. To state that the mint price of silver was 5s. 2d., and the market price was 5s. 7d., was merely to state that the relative values of silver and gold had altered since they were assumed by the mint. A rise in the price of gold bullion might have been really important; but Lord King does not seem to have perceived, or, if he perceived, he has not clearly stated, that when we speak of the value of the metal which is itself the standard of value, we, in general, merely express the number and weight of the pieces into which a given quantity of it is coined. When we say that gold sells for L.3 : 17 : 10½ an ounce, we do not mean that it sells for that amount of gold, of silver, and of copper, but that in return for forty pounds of gold, the mint gives 1869 pieces of equal fineness, weighing also forty pounds; or, in other words, that forty pounds of gold are coined into 1869 sovereigns. This is the state of things when coin and bullion are equally exportable by law,—when the coin is of full weight, and the mint charges nothing for coinage. Coin and bullion must then be of precisely equal value, and cannot measure one another. We might as well talk of the weight of water in water, or of the

* Page 65.

value of lead in lead, as of the price of gold in gold. Were an ounce of gold to fall one-tenth of its present cost of production, or to cost ten times as much labour as it does now, still, while the regulations of the Mint are unaltered, it will be worth L.3 : 17 : $10\frac{1}{2}$.

Of course, laws may be enacted by which coined money may be made more or less valuable than bullion. If the Mint demand a seignorage, it may be more valuable. If it be forbidden to melt or export it, it may be less valuable. This was the law in 1803, and had been so for centuries before. Whenever, therefore, the exchanges were against us sufficiently to allow the export of specie, bullion became rather more valuable than coin. In 1810, the difference was about 4s. per ounce.* The market price of exportable gold was 90s. per ounce, and that of gold the product of British coin, and therefore not exportable, 86s. In May 1803, and for more than a year before, and a year after, no prices of gold are returned by the Mint; but on the 13th of April 1804, the first quotation which occurs after the date of Lord King's Publication, when the Notes of the Bank of England amounted to 17,494,640, the price of foreign, and therefore exportable, gold was L.4 per ounce, and does not appear to have risen above that price for several years. Now, as the difference between L.4 and L.3 : 17 : $10\frac{1}{2}$ is less than the difference between the value of exportable and non-exportable gold, we are inclined to consider the price of gold between 1804 and 1808 as evidence rather against, than in favour of depreciation.

We now come to Lord King's other ground for affirming an existing depreciation—the state of the Foreign Exchanges. The second edition of his work is dated the 20th of March 1804; the exchange on Hamburg was then 35s. 4.; that on Paris was 25s. 2. Now, these rates deviate so little, if indeed they deviate at all, from par, that they offer in themselves no evidence of depreciation.†

Lord King, therefore, was forced to argue, that unless our currency were depreciated, the exchanges between England and the Continent must be in our favour, and that their being so low as par, therefore, was evidence of depreciation.

'On considering,' he says, 'the whole of the great commercial system which is carried on by Great Britain with every part of the globe, it will

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* See Mr Binn's Evidence, p. 45, Appendix to Bullion Report.

† The Bullion Committee estimated the par between London and Hamburg on 34s. $3\frac{1}{2}$. Report, p. 10.

appear that there are circumstances essential to the existence of that commerce, which involve the necessity of maintaining a favourable balance with the Continent of Europe. The great trade with the East Indies enjoyed by this country, almost to the total exclusion of the rest of Europe, creates a vast annual demand for silver, which must be supplied by those countries where silver is produced, or by those to which it is forced by colonial laws and restrictions. The exportation of silver is the most lucrative branch of the Indian commerce, because it is the commodity which, with the smallest cost in Europe, will purchase the greatest quantity of labour in China and the East Indies. It is the extraordinary profit attending this branch of export trade which constitutes the principal advantage of a commercial intercourse with those countries, and which must have chiefly contributed to enrich the nations which have successively enjoyed this commerce.

'It is, therefore, a necessary part of the system of that country which possesses the greatest share of this branch of trade to draw from the rest of the Western world that supply of the precious metals which is annually consigned to the East. The direct commerce with Spain and Portugal, the countries immediately connected with the American mines, is inadequate to this purpose, because those nations have not a sufficient demand for the manufactures of Great Britain; and recourse must therefore be had to the different nations of the Continent, among whom the annual produce of the mines is distributed by the commercial intercourse of Spain and Portugal with the other parts of Europe. It is the immediate consequence of this demand to produce a balance of trade and a favourable exchange with the Continent, which must necessarily continue till the equilibrium of the precious metals is restored between the East and West, and till silver shall no longer represent a greater quantity of exchangeable commodities in India than in Europe.

'So long as Great Britain continues to be the greatest manufacturing country in Europe, and to enjoy the monopoly of the Indian trade, the balance must continue in her favour with the Continent, unless some great revolution should remove the restraints on the commerce of the Spanish colonies in America. If that event should ever take place, and a direct intercourse should be established by Great Britain with Peru and Mexico, the balance of trade will be brought to a level, and the average state of the exchange will be at par between England and the continent of Europe. But with the continent of America the exchange will then be as much in our favour as the whole amount of the expense of conveying the precious metals from thence to this country.'*

The passage which we have just quoted occasioned a controversy between Lord King and this Journal. In our Article upon his Tract, which appeared in the Number for July 1803, we maintained, that the exportation or importation of bullion will not affect the exchange in a different way from the exportation or importation of any other commodity.

* P. 89.

'The real course of exchange,' we said, 'between two countries, depends upon the state of their reciprocal credits and debits. When the real difference is in favour of this country, it must be occasioned by the demand abroad for bills being greater than the supply; and that difference is no other than the premium which is paid for bills in consequence of the competition. The balance due to us, and which cannot be liquidated by means of bills, may either be discharged by sending bullion to this country, or may be allowed to remain for a time unpaid. So long as it remains a permanent debt, the price of bills will continue high—that is, the course of exchange will continue in our favour. If the balance be discharged by an actual transference of bullion, the supply of bills abroad will then become equal to the demand, and exchange will be at par. But even when it has the effect of liquidating such a balance, bullion is only sent to this country because there is an effectual demand for it, which allows the importation; and it liquidates that balance in no other way than an equal import of any other commodity for which there had been a demand, would have done. The state of exchange, therefore, does not depend upon the bullion trade, more than upon that of any other commodity; it depends entirely on the balance of debts. Provided the whole exports are no more than equal, during a given period of time, to the whole imports, the exchange will be at par, although a great part, the greater part, or even the whole of those imports, may have consisted of bullion. Let it be supposed, for example, that the commerce between Britain and Portugal had consisted wholly of woollen cloths exported from Britain, and of nothing but bullion directly imported from Portugal, provided the whole quantity of woollen cloth exported was no more than equal in value, annually, to the whole quantity of bullion imported, and that the reciprocal purchases were made upon the same terms, in respect of the length of credit, the real exchange would have remained steadily at par, though we imported nothing but bullion; and if, on the other hand, our import of bullion had exceeded our export of woollen cloth, or if the Portuguese merchant had granted a more indulgent credit than he received from Britain, the course of exchange would then have been permanently against this country, although we imported nothing but bullion. The real difference of exchange in our favour, and which therefore indicated a balance of debts in our favour, was owing to that credit which the merchants of England are enabled by their great capitals and skill, to extend to the traders of almost all foreign countries.' *

Lord King did us the honour of answering us, in an Appendix to the second edition of his Tract. To the argument, that the real difference of exchange in our favour was owing to our habit of giving long credits, he replied that

'The credit which is given by the English merchants occasions a small advance on the price of the goods, and therefore increases the value of the exports. But such an increase, when regular and uniform,

* *Edinburgh Review*, vol. ii. p. 219.

is always paid for by an additional amount of imports, and cannot, upon any intelligible principles, permanently affect the exchange. Long credit is always given by a rich country, where the rate of interest and profits of trade are low, to a poor country, where they are very high. The goods are sold at an advanced price, it being an accommodation to the poorer nation to pay an advance of perhaps ten per cent on a whole year's credit, rather than a smaller sum at a shorter date, because the merchants of the latter country, in consequence of the high profits of trade, can employ their capital to greater advantage. But that such a course of dealing will not produce any permanent balance in favour of the country which grants the accommodation, is evident from the example of the trade with Ireland, in which long credit has always been given; yet, prior to the restriction of 1797, the exchange, upon an average, was at par between the two countries. For the same reasons, in the North American trade, very long credit is allowed; yet the exchange is not supposed, on the whole, to be much in favour of London.*

To the statement, that the export or import of bullion cannot affect the exchange in a different way from the export or import of any other commodity, he answered, first, that the export and import of bullion is a peculiar trade; in which only a few persons in each country, and those making it their exclusive business, engage; and secondly, that bullion differs from all other commodities in this respect—that it will any where pay a debt, which other goods will not.

On the first point, we now feel ourselves bound to own that Lord King's answer was complete. The rate of exchange is influenced, not by the state of credit between two places, but by the amount of money which at that instant is passing from one to another. Long credit shows itself, as Lord King has well remarked, not in the exchange but in price. On the second point, his *reasoning* is not conclusive. There is no connexion between his premises and his conclusion, that bullion cannot pass unless the exchange be unfavourable to the country which exports it. That conclusion we, however, believe to be true; but Lord King, though he perceived its truth, did not clearly see why it is true. This we will endeavour to explain.

The peculiarity of bullion is, that it is a commodity in which every person in every civilized nation deals. Whenever two nations have commercial relations, some of the inhabitants of each have at the same time to send money to some of the inhabitants of the other. This exists with respect with no other commodity. In a state of perfect commercial freedom, persons in London might sometimes wish to export wheat to Paris, and persons in Paris wheat to London,

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* P. 154.

but these transactions could not be going on simultaneously. Macclesfield is now sending silks to Paris, and Lyons silks to London, but they are siks of different kinds. But there is not a day in the year in which it does not happen that many thousand persons in London wish to send gold to Paris, and many thousand persons in Paris wish to send gold to London; the gold being in each case one identical commodity. Of course, it is convenient for both parties to save this double transmission; and the commodity being in all cases the same, the saving is effected by the London debtor paying the London creditor, and the Parisian debtor the Parisian creditor. If the sums to be transmitted from each side are equal, no money need actually pass, and the exchange therefore is at par. Under such a state of things a given amount of money in each country is, as respects the other, of precisely the same value, and possesses therefore a sort of ubiquity. A man whose money is in Paris may purchase with it a London house as easily as if his money were in London.

Now this, we repeat, is a state of things peculiar to money. Every other commodity has a peculiar local value. It rises or falls the instant that it is moved. It moves, therefore, always in the same direction, from its place of production where it is cheapest, to its place of consumption where it is dearest. London never owes wheat to Dantzig or deals to Memel: but it always owes gold or silver to every country in Europe, and every country in Europe owes gold to London. This state of things—a state, we repeat, peculiar to the precious metals, and belonging to them only because they serve as money—enables the exchange between two countries, whose debts immediately payable are precisely equal, to be at par, and while it is at par, no bullion can be transmitted from the one to the other, since the whole cost of its transmission would be a pure loss. The instant the debts due from one country to another exceed its credits on that country, the exchange becomes unfavourable to the indebted country, and immediately, as between those two countries, bullion loses its ubiquity. It falls into the general bulk of commodities, and acquires a local value—that is to say, it becomes of more value in the creditor than in the debtor country—and then, and then only, it can be sent from the one to the other.

The case formerly put by us, of England sending nothing but woollens to Portugal, and Portugal nothing but gold to England, and yet the credits between the two countries being equal, and the exchange at par, is, we fear, an impossible supposition. The exchange being at par—that is to say, the value of gold being no greater in England than in Portugal—every Portuguese exporter of gold would lose the whole cost of the transaction. The real

state of trade and of exchange between the two countries would be this: The importation of woollens would bring Portugal into debt to England; the exchange would be unfavourable to her, and she must pay the debt in gold. The transmission of that gold would make the credits equal; but the next importation of woollens would again bring her into debt; and, if the trade were active, she would in fact be always in debt, and always exporting gold. The relation between the two countries would resemble that which generally exists between a landlord and tenant in Ireland. The tenant is always paying to his landlord, but as he does not pay one half-year's rent till another has become due, he is always in debt to him. It may be supposed, however, that such a trade, if extensive, could not be permanent, since the accumulation of money in the country exporting manufactures, and its abstraction from the country exporting gold, would so raise prices in the one, and sink them in the other, as to stop their commercial intercourse. And this would be true, unless we suppose the exporting country to have its supply of gold constantly replenished, and the importing country to have a constant drain for its surplus. Lord King had the merit of perceiving that, when he wrote, this was actually the case, England being commercially interposed between the continents of Europe and Asia, and receiving bullion from the one to be transmitted to the other. And he had the merit of predicting, that this state of things must cease to be permanent, as respects Europe, as soon as we established a direct intercourse with the mining countries;—a prediction which has been since accomplished.

But though Lord King's general views were sound, and in some respects original, the inference which he drew, in the case before him, was manifestly unwarranted. The reader will recollect, that, when he wrote, the exchange on Hamburg was 35s. 4,. and on Paris 25s. 2. But 25s. 2. was higher than it had ever been since the autumn of 1790, and 35s. 4. was higher than that of 1792, which averaged little above 34s., and higher still than that of 1795, which was below 33s. As there could have been no depreciation before the Restriction Act, the comparison of the exchanges of 1804 with those of 1791, 1792, and 1795, though it may not exclude the possibility of depreciation, is certainly unfavourable to it.

The last evidence of depreciation mentioned by Lord King, is 'the general increase of prices, and diminution of the value of 'money.* He does not dwell on it, but rather alludes to it as a

* Page 127.

well-known fact, than as a premise requiring to be proved. Many commodities must at that time have risen in price, if our currency had continued metallic. Some, in consequence of their having been made the subjects of specific taxation, others from the interruption of commerce diminishing the supply, and others from the wants of war, or of preparation for war, increasing the demand. Such a rise, however, would have been partial. On the other hand, a rise of price, occasioned by a depreciation of the currency, must of course have been general: it must have added a per centage to all the other causes of price. At the time of which we are speaking, many important commodities were *below* their average price. Wheat, for instance, was,—

January 1, 1803, ...	57s. 1d.
July 1, 1803, ...	60s. 4d.
January 1, 1804, ...	52s. 3d.
July 1, 1804, ...	52s. 1d.

We copy from the second column of Mr Tooke's Table of Prices, (Vol. II. p. 397,) the following prices in 1796, 1803, and 1804, of some other important commodities of British production, or from British colonies :—

	1796.			1803.			1804.		
	L.	*s.*	*d.*	*L.*	*s.*	*d.*	*L.*	*s.*	*d.*
Coffee, per cwt.	5	18	0	4	12	0	7	16	0
Cotton Wool, per lb.	0	1	9	0	1	4	0	1	0
Hops, per cwt.	4	4	0	10	5	0	5	10	0
Indigo, per lb.	9	6	11	9	0	10	9	6	11
Iron, per ton,	5	0	0	5	10	0	7	0	0
Butter, (Waterford,) per cwt.	3	14	0	4	5	0	3	15	0
Silk, per lb.	0	6	0	0	12	0	0	3	0
Spices, per lb.	0	12	0	0	4	6	0	4	6
Pepper, per lb.	0	1	$1\frac{1}{2}$	0	1	0	0	0	$9\frac{1}{2}$
Sugar, per cwt.	3	1	0	2	0	0	1	18	0
Whalebone, per ton,	7	10	0	uncertain.			1	10	0
Logwood, per ton,	11	0	0	11	0	0	24	0	0

The reader will suspect, from all that we have said, that we do not admit the generally received doctrine of a depreciation of British currency, coexistent with the whole period of the restriction of cash payments. We believe, with Mr Tooke, that depreciation did not begin until the latter part of the year 1808. The merits of Lord King's work are, that he early perceived the *tendency* of the Restriction Act. That he saw the inadequacy of the limits which the bank Directors assigned to their issues. That he urged, with a force and a clearness which have not been surpassed, the necessity of returning to cash payments;

and that he based his practical recommendations on theories generally sound, and frequently original; and that he did this at the age of twenty-eight. Its defects are, that he was too ready to believe that what was probable must also be true. That, finding that certain effects were likely to be produced, he inferred, on insufficient evidence, that they had been already produced. In short, that he turned what ought to have been merely a prophecy, and, as a prophecy, was an instance of great sagacity, into a positive statement.

As we cannot explain the moderation of the Bank during the first five years of the restriction, by imputing to its Directors a knowledge of the principles by which their issues ought to have been regulated, we think that Mr Tooke's mode of accounting for it must be adopted; namely, that they adhered to the routine of their establishment, and, that that routine accidentally preserved them from a conduct to which they were exposed, by their neglect of the foreign Exchanges and of the price of Bullion.

This routine was to discount at five per cent first-rate bills, having a short period to run, and founded, as we have seen, on a real transaction. But on such bills, five per cent discount was a very high rate of interest. In ordinary times, they may be discounted at three, or two and a-half, or even two per cent. The public, therefore, did, in the words of the Directors, control the issues of the bank. On the terms imposed by the Bank, it did not ask for more than the Bank could supply, without materially affecting the value of its notes.

The fate of the Bank of Ireland affords an instructive illustration. In the blind spirit of imitation in which English laws are often imported into Ireland, an Irish Restriction Act followed immediately the English Act. It was preceded by no inquiry into the circumstances of the country: indeed, if any such inquiry had been made, the Act could scarcely have been passed; the exchange between England and Ireland had long been, and then was steadily in favour of Ireland; there was no want of specie, and no run on the Bank was even thought of. However, it was passed 'for the sake of conformity.' In the same spirit of conformity, the Bank of Ireland discounted good bills, with sixty-one days to run, at five per cent. But the ordinary rate of interest in Ireland was then six per cent. The consequence was, that the Bank of Ireland notes in circulation, which, on the 1st of April 1797, immediately after the passing of the Act, amounted to L.737,268, rose in the following progress:—

1st April 1798, to . . .	L.1,225,525
—— 1799, to . . .	1,737,879

1st April 1800, to . . .	2,482,162
——— 1801, to . . .	2,626,471
——— 1802, to . . .	2,816,669

The natural consequences followed. The exchange on England fell 10 per cent; a gold guinea sold for a paper guinea and 2s. 8½d. premium; all good silver money disappeared, and its place was supplied by a base counterfeit coinage worth about 25 per cent of its nominal value. The Irish treasury refused to take this coinage from the post-office, and consequently the postmen refused it from the public, and detained all letters. Customers were forced to run in debt, and tradesmen forced to give credit from the absence of change. Ireland, in short, exhibited the disease with which she had been inoculated by England; but, as might have been expected from the weakness of the patient, in a more virulent form.

At length, the dangers which Lord King had pointed out actually burst also upon England. The bad harvests of 1808, 1809, and 1810—the vast foreign expenditure of the Government, the exclusion of British manufactures from the Continent, and of British shipping from the Continental ports, the enormous freights and insurance at which we were forced to import in foreign bottoms, the sudden opening of the South American markets, and the mistakes of our merchants as to the extent and the nature of the new demand—these causes created an amount of speculation, of failure, of discredit, and of commercial embarrassment, which had never been incurred before, and is not likely to be ever undergone again. The interest of money rose, and the Bank, following their routine, went on increasing their discounts. Their private securities, consisting almost exclusively of discounted bills, on the 29th February 1808, were £13,234,569; at about which amount they had averaged for the previous six years. They now rose as follows:—

31st August 1808, . .	L.14,287,696
28th February 1809, . .	14,374,775
31st August 1809, . .	18,127,597
28th February 1810, . .	21,055,946
31st August 1810, . .	23,775,093

The issue of notes exhibited a nearly proportional increase. On the 28th of May 1808 it was £16,899,970; being also about the average of the previous six years. It rose as follows:—

27th May 1809, . .	L.18,252,780
26th May 1810, . . .	21,073,580
25th May 1811, . .	24,446,170

The price of gold rose in the beginning of 1809 to £4, 11s.

an ounce. The exchange on Hamburg sunk from 35.5, its rate in July 1808, to 26.6, its rate on the 28th of December 1810, and that on Paris from 23.16 to 19.8.

On the 20th of June 1810, the day before the Prorogation, the Bullion Committee delivered their well known Report, in which they affirmed the existence of an excessive Paper Circulation; attributed that excess to the Restriction Act; and recommended a return to Cash Payments in two years. On the 6th of May 1811, Mr Horner moved Resolutions embodying the conclusions of the Report. They were proposed to an unreformed House of Commons and a Tory Government; and when we consider the amount of the knowledge and intelligence of that House, and of that Government, it is not strange that they were rejected by majorities of more than two to one. But, even after allowing, in the large measure in which the allowance must be made, for the effrontery of the leaders, and the ignorance and subservience of the followers of the party in power, it is perhaps strange, that Mr Vansittart's rival resolution,—'That the promissory-notes of the bank of England have hitherto been and are at this time held to be equivalent to the legal coin of the realm,'—should have found any Statesman to propose it, or any Assembly to adopt it.

At the time when this Resolution was carried, the price of gold had risen to L.4, 16s. an ounce, and the exchange on Hamburg had fallen to 24, and on Paris to 17:16.

Under such circumstances, Lord King resolved to show that *he* did not hold the promissory notes of the Bank of England to be equivalent to the legal coin of the realm.

He sent a circular to his tenants, holding leases granted before the beginning of the depreciation, or when it was less than at the date of the notice, requiring payment of the rent, either in guineas, or in Portugal gold coin of equal weight, or in Bank of England notes sufficient to purchase the weight of standard gold, requisite to discharge the rent.

It is very seldom, indeed, that the single act of an individual can do so much good as would have been effected by this notice of Lord King's, if Parliament had allowed him to act on it. It suggested a safe mode, and that the only mode, by which the public could, to a considerable extent, correct the errors of the government, and obtain, if not a convenient, at least a steady measure of value. Had not the legislative interference which we have to relate, occurred, the example must have been followed. Some difficulty would have arisen at first. All landlords and creditors would not have moderated their legal rights as equitably as Lord King;

but this must have been set right by the Courts of Equity, or by law. As to subsequent contracts there could have been no real difficulty. Two prices, a gold price and a paper price, would have been established, and one understood where the other was not specified. The Bank Directors must have admitted that their notes were of less value than the coin which they promised to pay. They would have maintained probably that the variation was occasioned, not by the fall of their paper, but by the rise of gold. But however they accounted for the difference, they must have been anxious to remove it. Though they could neglect the foreign exchange, they could not have borne to see their paper in the British market at an open discount. Not long before, between February and August in 1795, they had reduced their circulation from L.14,017,510 to L.10,862,200; and in August 1796, to L.9,246,790;—a much smaller proportionate reduction would now have been sufficient to raise it to par. But even if they had persisted in their wild course, if they had increased their issues, until, as was the case in 1814, they amounted to nearly twenty-nine millions, and gold rose to L.5, 10s. an ounce, still, the mischief would have been much less than what really followed. The public creditors' loss would not have been greater, though it would have been more evident. But it is probable that the government would have been obliged, in its subsequent loans, to borrow and to pay in gold, and the national debt would now be less by many millions. The foreign exchanges would have been quoted in gold, and could not have risen or fallen beyond the expense of transmission. We should have saved in our imports and in our foreign expenditure the additional price which the foreign producer and merchant were forced to put on their commodities, in order to indemnify themselves against the contingency of a fall in the value of the unsubstantial paper pound, in which our contracts were actually made. And above all, we should have escaped all that part which was nominal, of the enormous rise of agricultural produce—of rents, and of incumbrances on landed property, that were the pretext for the Corn Laws which oppressed us for the last thirty years.

Diis aliter visum est. Among the anti-bullionists, a sect which, like the believers in witchcraft, has now been nearly dissolved in the blaze of political knowledge, but was then numerous and powerful, one of the most eminent was Lord Stanhope. The Resolutions which he submitted to the House of Lords, affirming the total unfitness of the precious metals to serve as a medium of exchange or a standard of value, and proposing to

substitute for them for ever inconvertible notes and transfers on the Books of the Bank, though now forgotten, expressed the opinions of a large portion of his contemporaries.* He saw that we were in danger of returning to a metallic currency, and came to the rescue of his theory. On the 27th of June 1811, he laid on the table of the House of Lords, a bill making it illegal to receive or to pay gold or bank-notes at more or less than their nominal value. At first it was ill received by the government, and Lord Liverpool said that he should oppose it on the second reading. On the second reading, the 2d of July, Lord King answered Lord Stanhope by a Speech which is our only specimen of his powers as a speaker, since it is the only one that has been correctly reported. It shows how much we have lost. Nothing can be clearer, or more concise, or more complete, than his defence of the equity and of the expediency of his conduct.

'Since the late decision,' he said, 'of the House of Commons, it appears to be the declared intention of the government that the restriction shall continue to the end of the war, however distant that period may be. The subject is thus brought home to the individual interest of every man whose property is yearly, even monthly deteriorated. Every hope and prospect of amelioration being destroyed, there appears no choice but either to submit with tame resignation to receive payment in currency, of whatever value it shall please the Bank of England, in their forbearance and moderation, to permit henceforth to belong to the currency of the country; or to have recourse to the remedy which individuals possess by law. There is also another reason, which, I confess, has had some influence with me. It was asked insultingly, in another place, whether any person had ever yet ventured to refuse bank paper in payment or satisfaction of a lawful debt; and, on that foundation, it was attempted to be argued that, in point of fact, there existed no difference between paper and gold, and no actual depreciation. By bringing this question to issue, at least one of the remaining wretched supports of this fatal system will be overthrown. In this state of things, for the defence of my property, I have thought it advisable, to inform my tenants holding lands under old leases, and under old leases only, that I can no longer continue to receive bank-notes at their nominal value. The plain broad principle upon which I have acted is, to require payment in a currency of the same intrinsic value which the currency possessed at the date of each respective agreement. Where, may I ask, is the hardship of this demand? In proportion as the currency is depreciated, the price of wheat, of cattle, of all the produce of the land, is augmented. The tenant suffers no loss, if he is required to make only an equitable compensation;

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* They are to be found in the *Edinburgh Annual Register* for 1811, Part ii. p. 291.

he has already received an advance in the sale of his produce; he is only prevented from acquiring an additional profit, to which he can have no just claim. To any increase of price, in consequence of the increasing opulence and prosperity of the country, the tenant is in every sense justly entitled. The two causes of the increased price are totally distinct: the one arises from the fair increased demand and consumption of the country, which may well have entered into the calculation of the amount of rent; the other proceeds from an anomaly in the currency, which never could have entered into the contemplation of the parties.

'Having acted on principles such as I have described, and being satisfied with my own conduct, I shall not be deterred by clamour, or by any imputation whatever, by which it may be attempted to prevent me from insisting, at the same time with firmness and moderation, on a just and legal demand. It may suit the interest of some persons, by such unworthy means, to attempt to put down that which they hesitate and fear to do by legislative interference, notwithstanding the facility with which of late years acts of Parliament have been passed to suit the convenience or inconvenience of the moment. It was attempted in France to intimidate individuals who preferred the good metallic money to worthless assignats, by branding them with the charge of incivism, or incivic practices, in the revolutionary phrase; and, to judge from the language of his Majesty's servants, who are endeavouring to inculcate the acceptance of paper money as a moral and political duty, we are here also to be governed according to the true Jacobin doctrine, which required individuals to regulate their conduct, not by their own proper interest and convenience, but according to some speculative principles. In a well regulated state, the proper interest of individuals is inseparable from that of the government; and it is the duty of government to take care to avoid any system or state of things in which individuals, pursuing their own interest, and acting legally, shall have the appearance of acting at variance with the public interest. If the notes of the Bank of England are not depreciated in value, and if, in fact, there is no difference between paper and gold, the preference given to the latter will be an idle preference, of no public inconvenience, because it will not be followed. If the value of the bank paper is really at par, it is not in the power of any individual to alter the fact; and any attempt to do so would be despised as it deserved; but if, on the contrary, the bank paper is greatly inferior in value to gold coin and bullion, it is highly meritorious to expose and resist a system through which the whole community is impoverished and defrauded.

'It is said that some legislative interference is absolutely necessary to protect the tenants against the demand of their landlords, and on that account the bill is favourably received by those who profess to support the interests of the former. Little, indeed, do these men understand the interest of the tenant. If once the impious breach is made in existing contracts, if once the Legislature interferes with a violent hand, and tears out of the contract those positive stipulations, in faith of the due performance of which one of the parties has delivered over his valuable property, in the firm reliance that he shall be permitted to

receive what he considered as a valuable equivalent, but which condition is afterwards totally abrogated by an *ex post facto* law, there is an end of all faith both in public and private transactions. No man can henceforth place his dependence on the faith of contracts; the lands must be occupied by yearly tenants, for no landlords, after so dreadful a lesson of legislative injustice, will resign his property for a fixed term to the chance of an uncertain value. There has already appeared a visible and general unwillingness to agree to new leases for long terms; and any suspicion of the possibility of interference with existing contracts will extend that unwillingness to make leases even for the shortest periods.'*

During the interval between the first and second readings, Lord Liverpool seems to have discovered that the government had been committed by its proceedings in the House of Commons, and that Lord Stanhope's bill was a necessary supplement to Mr Vansittart's resolutions. It is rarely that a Minister gives up consistency to truth or to policy; and Lord Liverpool was not a man from whom such a sacrifice was to be expected. He supported the bill, and it passed, and postponed for eight years longer the success of Lord King's efforts to give to the nation—which is more dependent than any other existing community on the use of money—a money of stable value.

The return to Cash Payments was the only one of the three great reforms, already mentioned as Lord King's favourite measures, of which he lived to see the success. The other two, the Commutation of Tithes and a Free Trade in Corn, have been discussed in this Journal, with a frequency which would make it altogether superfluous to resume the consideration of them here. It is possible, though we hope not probable, that some attempt to disturb the present settlement may force us to consider one or both of them again. But unless a desperate faction should reanimate them, we shall leave the bones of our enemies undisturbed. We have dwelt on Lord King's services in the Currency Question, partly because the time at which they were performed is now so distant that many of our readers may have forgotten them, while some perhaps never knew them; partly because there are some appearances connected with the period of the restriction, which, admirably as the history of that period has been written by Mr Tooke, seemed to us still to deserve explanation; but principally, because this was the subject on which Lord King was pre-eminent both as a political philosopher and as a statesman. He laboured to release the producer of food from

* P. 231, *et seq.*

Tithe, and the consumer from Monopoly, with the same vigour and the same earnestness with which he had devoted himself to the restoration of the Currency; and it ought not to be forgotten, that this zealous impugner of the Corn Laws was himself a great landed proprietor, and that his Speeches, even in the meagre abstracts of them that have been preserved, disclose a familiar acquaintance with all those fundamental principles of commercial legislation that have been lately enforced, with such triumphant success, by the advocates of freedom. These great subjects, however, all-important as they were, afforded less room than that respecting the Currency for the exercise of his remarkable powers of analytical and inductive investigation. The part which he acted in regard to them, furnishes unquestionable proofs of his sagacity and his patriotism; but it is only by his 'Thoughts on the effects of the Bank restrictions,' that he has secured for himself a high and enduring place among the original thinkers in Political Science.

Art. III.—*A History of Greece.*—I. *Legendary Greece.*—II. *Grecian History to the Reign of Peisistratus at Athens.* By George Grote, Esq. Two vols. 8vo. London: 1846.

The interest of Grecian history is unexhausted and inexhaustible. As a mere story, hardly any other portion of authentic history can compete with it. Its characters, its situations, the very march of its incidents, are Epic. It is a heroic poem, of which the personages are peoples. It is also, of all histories of which we know so much, the most abounding in consequences to us who now live. The true ancestors of the European nations (it has been well said) are not those from whose blood they are sprung, but those from whom they derive the richest portion of their inheritance. The battle of Marathon, even as an event in English history, is more important than the battle of Hastings. If the issue of that day had been different, the Britons and the Saxons might still have been wandering in the woods.

The Greeks are also the most remarkable people who have yet existed. Not, indeed, if by this be meant those who have approached nearest (if such an expression may be used where all are at so immeasurable a distance) to the perfection of social arrangements or of human character. Their institutions, their way of life, even that which is their greatest distinction, the cast

of their sentiments and development of their faculties, were radically inferior to the best (we wish it could be said to the collective) products of modern civilization. It is not the results achieved, but the powers and efforts required to make the achievement, that measure their greatness as a people. They were the beginners of nearly every thing, Christianity excepted, of which the modern world makes its boast. If in several things they were but few removes from barbarism, they alone among nations, so far as is known to us, emerged from barbarism by their own efforts, not following in the track of any more advanced people. If with them, as in all antiquity, slavery existed as an institution, they were not the less the originators of political freedom, and the grand exemplars and sources of it to modern Europe. If their discords, jealousies, and wars between city and city, caused the ruin of their national independence, yet the arts of war and government evolved in those intestine contests made them the first who united great empires under civilized rule—the first who broke down those barriers of petty nationality, which had been so fatal to themselves—and by making Greek ideas and language common to large regions of the earth, commenced that general fusion of races and nations, which, followed up by the Romans, prepared the way for the cosmopolitism of modern times.

They were the first people who had a historical literature; as perfect of its kind (though not the highest kind) as their oratory, their poetry, their sculpture, and their architecture. They were the founders of mathematics; of physics; of the inductive study of politics, so early exemplified in Aristotle; of the philosophy of human nature and life. In each they made the indispensable first steps, which are the foundation of all the rest—steps such as could only have been made by minds intrinsically capable of every thing which has since been accomplished. With a religious creed eminently unfavourable to speculation, because affording a ready supernatural solution of all natural phenomena, they yet originated freedom of thought. They, the first, questioned nature and the universe by their rational faculties, and brought forth answers not suggested by any established system of priestcraft; and their free and bold spirit of speculation it was, which, surviving in its results, broke the yoke of another enthralling system of popular religion, sixteen hundred years after they had ceased to exist as a people. These things were effected in two centuries of national existence—twenty and upwards have since elapsed, and it is sad to think how little comparatively has been accomplished.

To give a faithful and living portraiture of such a people—to

show what they were and did, and as much as possible of the means by which they did it—by what causes so meteor-like a manifestation of human nature was produced or aided, and by what faults or necessities it was arrested; to deduce from the qualities which the Greeks displayed collectively or individually, and from the modes in which those qualities were unconsciously generated or intentionally cultivated, the appropriate lessons for the guidance of our own world—is an enterprise never yet attempted systematically, nor attempted successfully at all. Such is the declared object of the work of which the first two volumes lie before us. 'First, to embody in his own mind, and next to 'lay out before his readers, the general picture of the Grecian 'world,' is Mr Grote's description of his task. 'The historian,' he says, 'will especially study to exhibit the spontaneous move-'ment of Grecian intellect, sometimes aided but never borrowed 'from without, and lighting up a small portion of a world other-'wise clouded and stationary; and to set forth the action of that 'social system, which, while ensuring to the mass of freemen a 'degree of protection elsewhere unknown, acted as a stimulus to 'the creative impulses of genius, and left the inferior minds suf-'ficiently unshackled to soar above religious and political routine, 'to overshoot their own age, and to become the teachers of 'posterity.'*

In this undertaking there is work for a succession of thinkers; nor will it be brought to completeness by any one historian or philosopher. But the qualifications of Mr Grote, and the contents of these two volumes, give assurance that he will be remembered not only as the first who has seriously undertaken the work, but as one who will have made great steps towards accomplishing it. In ascribing to him the first attempt at a philosophical history of Greece, we mean no disparagement to the very valuable labours of his predecessor and friend, Bishop Thirlwall. That distinguished scholar has done much for the facts of Grecian history. Before him, no one had applied to those facts, considered as a whole, the most ordinary canons of historical credibility. The only modern historian of Greece who attempted or even affected criticism on evidence, Mr Mitford, made almost no other use of it than to find reasons for rejecting all statements discreditable to any despot or usurper. Dr Thirlwall has effectually destroyed Mitford as an historical authority; by substituting (though so unostentatiously as to give no sufficient idea of the service rendered) a candid and impartial narrative, for

* Preface, pp. vii. viii.

the most prejudiced misrepresentation by which party passion has been known to pervert the history of a distant time and a foreign people. But Dr Thirlwall's, though highly and justly esteemed as a Critical, does not attempt to be a Philosophical history; nor was such an attempt to be expected from its original purpose. And though, in its progress, it has far outgrown in bulk, and still more in amplitude of scope and permanent value, its primitive design,* the plan has not been fundamentally altered; and the most important part of Mr Grote's undertaking has not been, in any respect, forestalled by it.

The portion which Mr Grote has completed, and which is now published, appears at some disadvantage, from its not including even the beginning of the part of Grecian history which is of chief interest either to the common or to the philosophical reader. Mr Grote, in his preface, laments that the religious and poetical attributes of the Greek mind appear thus far in disproportionate relief, as compared with its powers of acting, organizing, judging, and speculating.† He might have added, that the religion and

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* Its first appearance was as a contribution to *The Cabinet Cyclopædia;* and it is now passing through the Press in the form of eight handsome octavo volumes.

† Mr Grote gives to the first two of these contrasted attributes the epithet of 'feminine,' and to the four latter that of 'masculine.' We regret that he should have unguardedly countenanced a commonplace notion which we do not believe that he would intentionally recommend, on a subject on which just opinions are extremely important; and we reply to him in the words of the Rev. Sydney Smith, originally printed in this Journal:—

'A great deal has been said of the original difference of capacity between men and women, as if women were more quick, and men more judicious—as if women were more remarkable for delicacy of association, and men for stronger powers of attention. All this, we confess, appears to us very fanciful. That there is a difference in the understandings of the men and the women we every day meet with, every body, we suppose, must perceive; but there is none surely which may not be accounted for by the difference of circumstances in which they have been placed, without referring to any conjectural difference of original conformation of mind. As long as boys and girls run about in the dirt, and trundle hoops together, they are both precisely alike. If you catch up one-half of these creatures, and train them to a particular set of actions and opinions, and the other half to a perfectly opposite set, of course their understandings will differ, as one or the other sort of occupations has called this or that talent into action. There is surely no occasion to go into any deeper or more abstruse reasoning, in order to explain so very simple a phenomenon.'

the poetry are only those of the most primitive period, the time before which nothing is known. A volume and a half are devoted to the legendary age; and the remaining half volume does not carry us much beyond the first dawn of real history.

The Legends of Greece Mr Grote relates at greater length than has been thought necessary by any of his predecessors. This is incident to the design, which no one before him has seriously entertained, of making the history of Greece a picture of the Greek mind. There is no more important element in the mind of Greece than the legends. They constituted the belief of the Greeks of the historical period, concerning their own past. They formed also the Grecian religion; and the religion of an early people is the groundwork of its primitive system of thought, on all subjects. Mr Grote makes no distinction between the legends of the Gods and those of the Heroes. He relates the one and the other literally, as they were told by the poets, and believed by the general public, down to the time of the Roman empire. He makes no attempt to discriminate historical matter in the stories of heroes, no more than in those of the gods. Not doubting that some of them do contain such matter—that many of the tales of the heroic times are partially grounded on incidents which really happened—he thinks it useless to attempt to conjecture what these were. The siege of Troy is to him no more a historical fact than the births and amours of the gods, as recorded in Hesiod. The only thing which he deems historical in either is, that the Greeks believed them, and the poets sung them. Whether they were believed from the first, as they were afterwards, on the authority of poets, or the poets grounded their narratives on stories already current, we have no means of ascertaining; in some cases the one thing may have happened, in some the other: in Mr Grote's view it is immaterial, since neither the poems nor the so-called traditions bear, in his eyes, the smallest character of historical evidence.

This is essentially the doctrine of Niebuhr; and, in the hands of that eminent investigator of antiquity, it has, by English scholars, generally been accepted as subversive of the previously received view of Roman history. But no one, not even the translator of Niebuhr, Dr Thirlwall, had applied this doctrine in the same unsparing manner to the Greek legends. Unqualified rejection has been confined to the stories of the gods. Between them and those of the heroes a Greek would have been unable to see any difference. To his mind both rested on the same identical testimony; both were alike part of his religious creed; supernatural agency and supernatural motives and springs of action are the pervading soul as much of the heroic as of the divine

legends; the gods themselves appear in them quite as prominently, and even the heroes are real, though inferior, divinities. By moderns, however, the supernatural machinery (as it is called by critics profoundly ignorant of the spirit of antiquity,) has been treated as a sort of scaffolding which could be taken down, instead of the main framework and support of the structure. The history of the Trojan war has been written on the authority of the Iliad, suppressing only the intervention of the gods, and whatever seemed romantic or improbable in the human motives and characters. As much credit is thus accorded to the poet, in all but the minute details of his narrative, as is given to the most veracious witness in a court of justice; since even with him we do no more than believe his statements where they are neither incredible in themselves, nor contradicted by more powerful testimony. With this mode of dealing with legendary narratives, Mr Grote is altogether at war. His discussion of the credibility of what are called traditions is eminently original, evolving into distinctness principles and canons of evidence and belief, which, by Niebuhr, are rather implicitly assumed than directly stated.

The following passages will give a clear idea of Mr Grote's main position:—

'In applying the semi-historical theory to Grecian mythical narrative, it has been often forgotten that a certain strength of testimony, or positive ground of belief, must first be tendered before we can be called upon to discuss the antecedent probability or improbability of the incidents alleged. The belief of the Greeks themselves, without the smallest aid from special or contemporary witnesses, has been tacitly assumed as sufficient to support the case, provided only sufficient deduction be made from the mythical narratives to remove all antecedent improbabilities. It has been assumed that the faith of the people must have rested originally upon some particular historical event, involving the identical persons, things, and places, which the original mythes exhibit, or at least the most prominent among them. But when we examine the psychagogic influences predominant in the society among whom this belief originally grew up, we shall see that their belief is of little or no evidentiary value, and that the growth and diffusion of it may be satisfactorily explained without supposing any special basis of matters of fact.

'The general disposition to adopt the semi-historical theory as to the genesis of Grecian mythes, arises in part from reluctance in critics to impute to the mythopœic ages extreme credulity or fraud, and from the presumption that where much is believed some portion of it must be true. There would be some weight in these grounds of reasoning, if the ages under discussion had been supplied with records and accustomed to critical inquiry. But amongst a people unprovided with the former and strangers to the latter, credulity is necessarily at its maximum, as well in the narrator himself as in his hearers: the idea of deliberate fraud is moreover inapplicable, for if the hearers are disposed to accept

what is related to them as a revelation from the muse, the *æstrus* of composition is quite sufficient to impart a similar persuasion to the poet whose mind is penetrated with it. The belief of that day can hardly be said to stand apart by itself as an act of reason: it becomes confounded with vivacious imagination and earnest emotion; and in every case where these mental excitabilities are powerfully acted upon, faith comes unconsciously and as a matter of course.

'It is, besides, a presumption far too largely and indiscriminately applied, even in our own advanced age, that where much is believed, something must necessarily be true—that accredited fiction is always traceable to some basis of historical truth. The influence of imagination and feeling is not confined simply to the process of retouching, transforming, or magnifying narratives originally founded on fact; it will often create new narratives of its own, without any such preliminary basis. Where there is any general body of sentiment pervading men living in society, whether it be religious or political—love, admiration or antipathy—all incidents tending to illustrate that sentiment are eagerly believed, rapidly circulated, and (as a general rule) easily accredited. If real incidents are not at hand, impressive fictions will be provided to satisfy the demand: the perfect harmony of such fictions with the prevalent feeling stands in the place of certifying testimony, and causes men to hear them, not merely with credence, but even with delight: to call them in question and require proof, is a task which cannot be undertaken without incurring obloquy. Of such tendencies in the human mind, abundant evidence is furnished by the innumerable religious legends which have acquired currency in various parts of the world—legends which derived their origin, not from special facts misreported and exaggerated, but from pious feelings pervading the society, and translated into narrative by forward and imaginative minds—legends in which not merely the incidents, but often even the personages are unreal, yet in which the generating sentiment is conspicuously discernible, providing its own matter as well as its own form. Other sentiments also, as well as the religious, provided they be fervent and widely diffused, will find expression in current narrative, and become portions of the general public belief—every celebrated and notorious character is the source of a thousand fictions exemplifying his peculiarities. And if it be true, as I think present observation may show us, that such creative agencies are even now visible and effective, when the materials of genuine history are copiously and critically studied—much more are we warranted in concluding, that in ages destitute of records, strangers to historical testimony, and full of belief in divine inspiration, both as to the future and as to the past, narratives purely fictitious will acquire ready and uninquiring credence, provided only they be plausible and in harmony with the pre-conceptions of the auditors.'—(Vol. i. pp. 572-9.)

The two points here insisted upon are, the large space which sheer and absolute fiction still occupies in human beliefs,—a place naturally larger as we recede further into a remote and uncritical antiquity; and the tendency of any strong and widely diffused

feeling to embody itself in fictitious narratives, which pass from mouth to mouth, and grow into traditions.

These points have been illustrated in a more quotable, because a more condensed form, in a fugitive publication, of which Mr Grote here acknowledges the authorship. From this we borrow an illustration, too apt to be dispensed with,—a modern mythe, caught in the act of formation. Among the 'numerous fictions' which, in the words of Mr Moore's Life of Byron, have been 'palmed upon the world' as his 'romantic tours and 'wonderful adventures in places he never saw, and with persons 'that never existed,' one is thus recounted; in a review of the poem of 'Manfred,' by no less a person than Goethe:—

'He (Byron) has often enough confessed what it is that torments him. There are, properly speaking, two females whose phantoms for ever haunt him, and in this piece also perform principal parts—one under the name of Astarte—the other without form or presence, and merely a voice. Of the horrid occurrence which took place with the former, the following is related:—When a bold and enterprising young man, he won the affections of a Florentine lady. Her husband discovered the amour, and murdered his wife; but the murderer was the same night found dead in the street, and there was no one to whom suspicion could be attached. Lord Byron removed from Florence, and these spirits haunted him all his life after. This romantic incident is rendered highly probable by innumerable allusions to it in his poems.'

On this Mr Grote comments as follows:—

'The story which Goethe relates of the intrigue and double murder at Florence is not a mis-reported fact: it is a pure and absolute fiction. It is not a story of which one part is true and another part false, nor in which you can hope, by removing ever so much of superficial exaggeration, to reach at last a subsoil of reality. All is alike untrue, the basis as well as the details. In the mind of the original inventor, the legend derived its birth, not from any erroneous description which had reached his ears respecting adventures of the real Lord Byron, but from the profound and vehement impression which Lord Byron's poetry had made, both upon him and upon all others around him. The poet appeared to be breathing out his own soul and sufferings in the character of his heroes—we ought rather to say, of his hero, *πολλῶν ὀνομάτων μορφὴ μία*—he seemed like one struck down, as well as inspired, by some strange visitation of destiny. In what manner, and from what cause, had the Eumenides been induced thus to single him out as their victim? A large circle of deeply-moved readers, and amongst them the greatest of all German authors, cannot rest until this problem be solved: either a fact must be discovered, or a fiction invented for the solution. The minds of all being perplexed by the same mystery, and athirst for the same explanation, nothing is wanted except a *prima vox*. Some one, more forward and more felicitous than the rest, imagines and proclaims

the tragical narrative of the Florentine married couple. So happily does the story fit in, that the inventor seems only to have given clear utterance to that which others were dimly shadowing out in their minds: the lacerated feelings of the poet are no longer an enigma—the die which has stamped upon his verses their peculiar impress, has been discovered and exhibited to view. If, indeed, we ask what is the authority for the tale—to speak in the Homeric language, it has been suggested by some god, or by the airy-tongued Ossa, the bearer of encouragement and intelligence from omniloquent Zeus—to express the same idea in homely and infantine English, it has been whispered by a little bird. But we may be pretty well assured, that few of the audience will raise questions about authority—the story drops into its place like the keystone of an arch, and exactly fills the painful vacancy in their minds—it seems to carry with it the same sort of evidence as the key which imparts meaning to a manuscript in cipher, and they are too well pleased with the acquisition to be very nice as to the title. Nay, we may go further and say, that the man who demonstrates its falsehood will be the most unwelcome of all instructors; so that we trust, for the comfort of Goethe's last years, that he was spared the pain of seeing his interesting mythus about Lord Byron contemptuously blotted out by Mr Moore.'

Suppose that there had never been any authentic biography of Byron, and that his own works and the various testimonies about his personality having all perished, his name were carried down to a remote age exclusively by this writing of Goethe. The case would then be parallel with that of the heroic age of Greece; and the following passage describes what would probably have happened:—

'In former days, the Florentine intrigue, and the other stories noticed by Mr Moore, would have obtained undisputed currency as authentic materials for the life of Lord Byron; then would have succeeded rationalizing historians, who, treating the stories as true at the bottom, would have proceeded to discriminate the basis of truth from the accessories of fiction. One man would have disbelieved the supposed murder of the wife, another that of the husband; a third would have said that, the intrigue having been discovered, the husband and wife had both retired into convents, the one under feelings of deep distress, the other in bitter repentance, and that the fleshly lusts being thus killed, it was hence erroneously stated that the husband and wife had themselves been killed. If the reader be not familiar with the Greek scholiasts, we are compelled to assure him that the last explanation would have found much favour in their eyes, inasmuch as it saves the necessity of giving the direct lie to any one, or of saying that any portion of the narrative is absolutely unfounded. The misfortune is, that though the story would thus be divested of all its salient features, and softened down into something very sober and colourless, perhaps even edifying, yet it would not be one whit nearer the actual matter of fact. Something very like what we have been describing, however, would in-

fallibly have taken place, had we not been protected by a well-informed biographer, and by the copious memoranda of a positive age.'

The feelings to which the early Grecian legends addressed themselves, and to which they owed not their currency only, but most of them probably their very existence, were sentiments most strong and pervading;—the religious feelings of the people, and their ancestorial feelings. The two, indeed, may be reduced to one, for the ancestorial were also in the most literal sense religious feelings. The legendary ancestors of each family, tribe, or race, were the immediate descendants of deities—were immortal beings, with supernatural powers to destroy or save, and worshipped with the rites and honours paid to gods. The difference between them and the gods was chiefly this, that they had once been men, and had performed exploits on earth which were the pride and glory of other men still living, who honoured them as patrons and guardian divinities—a distinction in no way tending to abate the thirst for wonderful tales respecting the heroes.

If a story harmonized with the prevailing sentiment, to doubt its truth would never occur to any one, not even to the inventors themselves; since, in a rude age, the suggestions of vivid imagination, and strong feeling, are always deemed the promptings of a god. The inspiration of the muse was not then a figure of speech, but the sincere and artless belief of the people; the bard and the prophet were analogous characters; Demodocus, at the court of King Alcinous, could sing the Trojan war by revelation from Apollo or from a Muse;* and Hesiod, in the Theogony, could declare respecting himself that he knew, by the favour of the Muses, the past, the present, and the future. Herodotus expressly says that Hesiod and Homer 'were the authors of the 'Greek Theogony, gave titles to the gods, distinguished their 'attributes and functions, and described their forms;' that until taught by them, the Greeks were ignorant 'whence each of the 'gods sprang, and whether all of them were always existing, 'and what were their shapes.'† Plato invariably assumes the

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* *Odyssey*, viii. 487–91.

† We have used Dr Thirlwall's translation. The original words are—Ἔνθεν δὲ ἔγένετο ἕκαστος τῶν θεῶν, εἴτε ὀἀει ἦσαν πάντες, ὁκοῖοί τὲ τινες τὰ εἴδεα, οὐκ ἠπιστέατο [εἰ Ἕλληνες] μέχρι οὗ πρώην τε καὶ χθὲς, ὡς εἰπεῖν λόγῳ· Ἡσίοδον γὰρ καὶ Ὅμηρον ἡλικίην τετρακοσίοισι ἔτεσι δοκέω μου πρεσβυτέρους γενέσθαι, καὶ οὐ πλέσσι· οὗτοι δὲ εἰσι οἱ ποιήσαντες θεογονίην Ἕλλησι, καὶ τοῖσι θεοῖσι τὰς ἐπωνυμίας δόντες, καὶ τιμάς τε καὶ τέχνας διελόντες, καὶ εἴδεα αὐτῶν σημήναντες.—*Herod.* ii. 53.

same thing. The poems were a kind of sacred books, like the Ramayun and the Mahabharat.

It may perhaps be said, that the eager interest here supposed in the exploits of ancestors, implies the ancestors to be at least real persons—surviving in the memory of those to whom the tales were told; and that therefore most of the heroes of legend must have really existed, however much of the marvellous in their adventures may be due to the imagination of their descendants. This doctrine would not be without plausibility, were it not the known practice of the early Greeks to create not only imaginary adventures of ancestors, but imaginary ancestors. It was the universal theory of Greece that every name, common to an aggregation of persons, indicated a common progenitor. Whether it was the name of a race, as Dorians, Ionians, Achæans; of a people, as Thessalians, Dolopians, Arcadians, Ætolians; of any of the numerous political divisions of a people, or of those other divisions not made by laws, but held together by religious rites and a traditional tie, the γένη or *gentes*, (representing probably the units by the aggregation of which the community had, at some early period, been formed;) all these, and even the names of towns and localities, were believed to be etymologically derived from a primeval founder and patriarch of the whole tribe. Even names of which the origin was obvious, did not escape the application of the theory. The names of the four tribes in the primitive Athenian constitution, Geleontes, Hopletes, Argades, and Aigikoreis, appellations so evidently derived from their occupations, were ascribed, according to custom, to four Eponymi, sons of Ion, the general ancestor of the race, whose names were Geleon, Hoples, Argades, and Aigikores. No one now makes any scruple of rejecting the whole class of Eponymi, or name-heroes, from the catalogue of historical personages. Among the Greeks, however, they were the most precious of any; they were as firmly believed in, and their existence and adventures as justly entitled to the name of tradition, as any Grecian legend whatever.

But grant that the personages of the heroic legends were real, as doubtless some warriors and rulers must have left behind them an enduring memory, to which legends would not fail to attach themselves;—could we distinguish, among the names, those which belonged to actual persons, would it follow that the actions ascribed to them bore a resemblance to any real occurrences? We may judge from a parallel instance. In the earlier Middle Ages, the European mind had returned to something like the *naif* unsuspecting faith of primitive times. It accordingly gave birth to a profusion of legends: those of saints, in the first

place, almost a literature in themselves, of which, though very pertinent to our purpose, we say nothing here. But the same age produced the counterpart of the tales of Hercules and Theseus, of the wanderings of Ulysses and the Argonautic expedition, in the shape of romances of chivalry. Like the Homeric poems, the romances announced themselves as true narratives, and were, down to the fourteenth century, popularly believed as such. The majority relate to personages probably altogether fictitious; Amadis and Lancelot we are nowise called upon to believe in; and of King Arthur, as of King Agamemnon, we have no means of ascertaining if he ever really existed or not. But the uncertainty does not extend to all these romantic heroes. That age, unlike the Homeric, notwithstanding its barbarism, preserved written records; and we know consequently from other evidence than the romances themselves, that some of the names they contain are real. Charlemagne is not only an historical character, but one whose life is tolerably well known to us; and so genuine a hero, both in war and peace—his real actions so surprising and admirable—that fiction itself might have been content with ornamenting his true biography, instead of fitting him with another entirely fabulous. The age, however, required to satisfy its ideal, a Charlemagne of a different complexion from the real monarch. The chronicle of Archbishop Turpin, a compilation of poetic legends, supplied this want. Though containing hardly any thing historical, except the name of Charlemagne and the fact of an expedition into Spain, it was declared genuine history by Pope Calixtus the Second; was received as such by Vincent de Beauvais, who, for his great erudition, was made preceptor to the sons of the wise King, Saint Louis of France; and from this, not from Eginhard or the monk of St Gall, the poets who followed drew the materials of their narrative. Even then, if Priam and Hector were real persons, the siege of Troy by the Greeks may be as fabulous as that of Paris by the Saracens, or Charlemagne's conquest of Jerusalem. In the poem of Ariosto, the principal hero and heroine are Ruggiero and Bradamante; the ancestors, real or imaginary, of the Dukes of Ferrara, at whose court he lived and wrote. Does any one, for this reason, believe a syllable of the adventures which he ascribes either to these or to his other characters? Another personage of legend, who is also a personage of history, is Virgil. If the author of the Æneid were only known to us by the traditions of the Middle Ages, in what character would he have been transmitted to us? In that of a mighty enchanter. Such is the worth of what is called tradition, even when the persons are real, and the age

not destitute of records. What must it be in times anterior to the use of writing?

It is now almost forgotten, that England, too, had a mythic history, once received as genuine; and neither has this wanted the consecration of the highest poetical genius, in the instances at least of Lear and Cymbeline.

'If we take the history of our own country, as it was conceived and written, from the twelfth to the seventeenth century, by Hardyng, Fabyan, Grafton, Hollinshed, and others, we shall find that it was supposed to begin with Brute the Trojan, and was carried down from thence, for many ages, and through a long succession of kings, to the times of Julius Cæsar. A similar belief of descent from Troy, arising seemingly from a reverential imitation of the Romans, and of their Trojan origin, was cherished in the fancy of other European nations. With regard to the English, the chief circulator of it was Geoffrey of Monmouth, and it passed with little resistance or dispute into the national faith. The kings, from Brute downwards, were enrolled in regular chronological series, with their respective dates annexed. In a dispute which took place during the reign of Edward I. (A.D. 1301,) between England and Scotland, the descent of the kings of England from Brute the Trojan was solemnly embodied in a document put forth to sustain the rights of the crown of England, as an argument bearing on the case then in discussion; and it passed without attack from the opposing party;* an incident which reminds us of the appeal made by Æschines, in the contention between the Athenians and Philip of Macedon respecting Amphipolis, to the primitive dotal rights of Akamas son of Theseus; and also of the defence urged by the Athenians, to sustain their conquest of Sigeium against the reclamations of the Mitylenæans, wherein the former alleged that they had as much right to the place as any of the other Greeks who had formed part of the victorious armament of Agamemnon.

'The tenacity with which this early series of British kings was defended, is no less remarkable than the facility with which it was admitted. The chroniclers, at the beginning of the seventeenth century, warmly protested against the intrusive scepticism which would cashier so many venerable sovereigns, and deface so many noble deeds. They appealed to the patriotic feelings of their hearers, represented the enormity of their setting up a presumptuous criticism against the belief of ages, and insisted on the danger of the precedent, as regarded history generally. Yet, in spite of so large a body of authority and precedent, the historians of the nineteenth century begin the history of England

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* See Warton's *History of English Poetry*, sec. iii. p. 131. 'No man, before the sixteenth century, presumed to doubt that the Francs derived their origin from Francus, the son of Hector; that the Spaniards were descended from Japhet, the Britons from Brutus, and the Scotch from Fergus.'—(*Ibid.* p. 140.)—(*Author's Note.*)

with Julius Cæsar. They do not attempt either to settle the date of King Bladud's accession, or to determine what may be the basis of truth in the affecting narrative of Lear.'*—(Vol. i. pp. 639-42.)

We will add, before taking our leave of this part of the subject, one argument more, which we conceive to be in itself almost decisive. Authentic history, as we ascend the stream of time, grows thinner and scantier, the incidents fewer, and the narratives less circumstantial;—shading off through every degree of twilight into the darkness of night. And such a gradual daybreak we find in Greek history, at and shortly before the first Olympiad (B. C. 776), the point from which the historical Greeks commenced their computation of time. We cannot be far wrong in fixing this as the epoch at which written characters began to be regularly employed by public authority, for the recordation of periodical religious solemnities,—always the first events systematically recorded; on account of the fearful religious consequences attaching to any mistake in the proper period for their celebration.

But if, beyond the darkness which bounds this early morning of history, we come suddenly into the full glare of day—an island of light in the dark ocean of the unrecorded past, peopled with majestic forms, and glittering with splendid scenery—we may be well assured that the vision is as unreal as Plato's *Atlantis*, and that the traditions and the poems which vouch for its past existence, are the offspring of fancy, not of memory. True history is not thus interrupted in its course; it does not, like the Arcadian rivers, sink into the ground, and, after a long disappearance, rise again at a remote point. Light first, and darkness afterwards, may be the order of invention, but it is seldom that of remembrance.

The elaborate chapter in which Mr Grote traces the progress of opinion, among instructed Greeks, respecting their own legends, is important, not only in reference to the question of credibility, but as a part of the history of the human mind. Originating in a rude age, by which they were naïvely and

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* Even in 1754, Dr Zachary Grey, in his notes on Shakspeare, commenting on the passage in King Lear, *Nero is an angler in the lake of darkness*, says,—'This is one of Shakspeare's most remarkable anachronisms. King Lear succeeded his father, Bladud, *anno mundi* 3105; and Nero, *anno mundi* 4017, was sixteen years old, when he married Octavia, Cæsar's daughter.'—See *Funcii Chronologia*, p. 94.—(*Author's Note*)

literally believed, the legends descended into a period of comparative knowledge and culture. With the tone of that later age, or at least of the instructed portion of it, they were no longer in harmony. Several things conspired to produce this divergence. As communications grew more frequent, and travelled men became acquainted with legends for which they had acquired no early reverence, the mutually contradictory character of the stories themselves tended to undermine their authority. The characters and actions ascribed to the gods and heroes, contained much that was repugnant to the altered moral feelings of a more civilized epoch: already Xenophanes, one of the earliest Grecian philosophical inquirers, composed poems to denounce, in the most vehement terms, the stories related of the gods by Hesiod and Homer, 'the universal instructor,' as he terms him. But, more than all, the commencement of physical science and intelligent observation of nature, introduced a conception of the universe, and a mode of interpreting its phenomena, in continual conflict with the simplicity of ancient faith: accustoming men to refer to physical causes and natural laws, what were conceived by their ancestors as voluntary interventions of supernatural beings, in wrath or favour to mortals.

This altered tone in the more cultivated part of the Grecian mind, did not, however, proceed to actual disbelief in the legendary religion of the people. Mankind do not pass abruptly from one connected system of thought to another: they first exhaust every contrivance for reconciling the two. To break entirely with the religion of their forefathers, would have been a disruption of old feelings, too painful and difficult for the average strength even of superior minds; and could not have been done openly, without incurring a certainty of the fate which, with all the precautions they adopted, overtook Anaxagoras and Socrates. But even of the philosophers there were at first very few, who carried the spirit of freethinking so far. In general, they were unable to emancipate themselves from the old religious traditions, but were just as little capable of believing them literally. 'The result was a new impulse, partaking 'of both the discordant forces—one of those thousand uncon-'scious compromises between the rational convictions of the 'mature man, and the indelible illusions of early faith, religious 'as well as patriotic, which human affairs are so often destined 'to exhibit.' The legends, in their obvious sense, were no longer credible; but it was necessary to find for them a meaning in which they could be believed And hence a series of efforts, continued with increasing energy from the first known prose historian, Hecatæus, to the Neoplatonic adversaries of

Christianity in the school of Alexandria, to which the nearest parallel is the attempts of Paulus and the German rationalists to explain away the Hebrew Scriptures. Rejected in their obvious interpretation, the narratives were admitted in some other sense, which stripped them of the direct intervention of any deity. They were represented either as ordinary histories, coloured by poetic ornament, or allegories, in which moral instruction, physical knowledge, or esoteric religious doctrines, were designedly wrapt up. The succession of these rationalizing explanations is recounted at length, with great learning and philosophy, by Mr Grote.

His opinion of the historical system of explanation has been seen in the preceding extracts. Without being more favourable, on the whole, to the allegorical theory, he yet makes a concession to it, with which, if we rightly understand his meaning, we are compelled to disagree. He says,* 'though allegorical 'interpretation occasionally lands us in great absurdities, there 'are certain cases in which it presents intrinsic evidence of 'being genuine and correct—*i. e.* included in the original pur-'port of the story;' and he instances the tale of Ate and the Litæ, in the ninth book of the *Iliad*, which, he says, no one can doubt, carries with it an intentional moral. Now, it seems to us that this remark allows either too much to allegory, or not enough.

Every reader of the Iliad, even in translation, must be familiar with this fine passage; in which Ate, or Intentional-Mischief, is represented as a gigantic figure, who stalks forth furiously, diffusing ruin; and Litæ, or Prayers, daughters of Zeus or Jupiter, as slowly limping after her to heal the wounds she has made. Now, if the poet did not believe the personal existence of Ate and the Litæ;—if he employed what he knew to be a mere figure of speech, as a means of giving greater impressiveness to a general remark respecting the course of human affairs,—the passage is then rightly termed allegorical. But if, as we conceive, such employment of the language of polytheism in a merely figurative sense, neither existed nor could exist until polytheism was virtually defunct; if the use of religious forms as a simple artifice of rhetoric, would have appeared to Homer (supposing the idea to have presented itself at all) an impious profanation; if the poet, in the full simplicity of his religious faith, accepted literally the personality and divinity of Ate and the Litæ, there is then no place for the word 'allegory,' in its

* Vol. I. p. 570.

correct acceptation. That a moral meaning accompanied in his mind the religious doctrine, and even suggested it, we at once admit: but he personified and deified the moral agencies concerned; and the story, as Müller says of the legend of Prometheus and Epimetheus, (Forethought and Afterthought,) is not an allegory, but a myth. Otherwise, we must go much further, and affirm a substratum of allegory in the whole Greek religion; for the majority of its deities, including nearly all the more conspicuous of them, are undoubtedly personifications of either the physical or the moral powers of nature; and, this granted, the attributes ascribed to them would necessarily shadow forth those which observation pointed out in the phenomena over which they were supposed to preside.

The natural history of Polytheism is now well understood. Religion, although *ex vi termini* preternatural, is yet a theory for the explanation of nature; and generally runs parallel with the progress of human conceptions of that which it is intended to explain; each step made in the study of the phenomena determining a modification in the theory. The savage, drawing his idea of power from his own voluntary impulses, ascribes will and personality to every individual object in which he beholds a power beyond his control; and at once commences propitiating it by prayer and sacrifice. This original Fetishism, towards natural objects which combine great power with a well-marked individuality, was prolonged far into the period of Polytheism proper. The Gaia of Hesiod, mother of all the gods, was not a goddess of the earth, but the earth itself; and her physical are blended with her divine attributes in a singular medley. The sun and moon, not deities residing therein, were the objects of the ancient Grecian worship; their identification with Apollo and Artemis belong to a much later age. The Hindoos worship as a goddess the river Nerbudda—not a deity of the river, but the river itself;* and, if they ascribe to it sex and other attributes inconsistent with the physical characteristics of the natural object, it is from inability to conceive the idea of personality, except in conjunction with the ordinary human impulses and attributes. The Homeric Scamander is scarcely other than the animated river itself; and the god Alpheus, who pursues Arethusa through the ocean, is the actual river, flowing through the salt waves without mixing with them, and at length combining its

* See, for interesting details, 'Rambles and Recollections of an Indian Official,' by Lieut.-Col. Sleeman. Vol. i. chap. iii.

waters in indissoluble union with those of the fountain it loves.

But where natural objects are not thus strikingly individualized—where the mind can at once recognise, in a multitude of things, one and the same power of affecting human interests—its tendency is not to deify the objects, but to place a deity over them, who, being invisible, rules from a distance a whole class of phenomena. Bread and wine are great and beneficent powers, but the blindest fetish-worshipper never probably offered prayer or sacrifice to an individual loaf or wine-flask, but to an invisible Bacchus or Ceres, whose body, being unseen, is naturally assimilated to the human, and who is thenceforth handed over to the poets to exalt and dignify. Thus the first and most obvious step in the generalization of nature, by arranging objects in classes, is accompanied by a corresponding generalization of the gods. Fire, being a more mysterious as well as a more terrible agent, has, in some religions, been an object of direct worship; but in Homer we find the transition completely effected from the worship of fire to that of the fire-god, Vulcan. Thunder, the most awful of all, was universally received as the attribute of the most powerful of deities, the ruler of gods and men. As thought advanced, not only all physical agencies capable of ready generalization, as Night, Morning, Sleep, Death, together with the more obvious of the great emotional agencies, Beauty, Love, War, but by degrees also the ideal products of a higher abstraction, as Wisdom, Justice, and the like, were severally accounted the work and manifestation of as many special divinities. 'It became,' as Müller * expresses it, 'a general habit 'to concentrate every form of spiritual existence, whose unity 'was recognised, into an apex, which necessarily appeared to 'the mind as a personal entity. Can it be imagined that Δίκη, 'Θέμις, Μῆτις, Μοῦσα, Χάρις, Ἥβη, Ἐριννύς, Ἔρις, could have attain-'ed a generally believed reality, and even in some measure 'divine worship, otherwise than through a necessity, grounded 'on the epoch of mental development, to contemplate in this 'manner as a unity, not only every aspect of nature, but also 'of human life? How were it possible to pray to Charis, if 'she were only viewed as a predicate of human or higher na-'tures? It is even wrong to consider the worship paid by the 'Romans to Virtus, Felicitas, &c., as allegorical in the strict 'sense; for then it could be no worship at all.'

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* *Introduction to a Scientific System of Mythology*, (p. 61,) recently and very well translated by Mr Leitch.

Assuredly, these objects of worship were not conceived as ideas, but as persons, whose fundamental attributes, however, necessarily ran in close analogy to those of the ideas which they embodied. Such is the primitive type of polytheism—a thing of no human invention, but, in the strictest sense of the word, natural, and of spontaneous growth. Afterwards, indeed, poets and priests did invent stories concerning the gods, more or less connected or consistent with their original attributes, which stories became incorporated with religion; and the most popular deities were those concerning whom the most impressive stories had been feigned. But the legends did not make the religion; the basis of that was a *bona fide* personification and divinization of the occult causes of phenomena. In these views we have no reason to think that we at all differ from Mr Grote; but if there is any point in which his expositions do not quite satisfy us, it is, that they do not bring out strongly enough this part of the case; that the Greek religion appears in them too much as a sort of accident, the arbitrary creation of poets and story-tellers; its origin in the natural human faculties and the spontaneous tendencies of the uncultivated intellect, being indicated indeed, but not placed in a sufficiently strong light.

With this exception, we can hardly bestow too much praise on this portion of Mr Grote's performance. He has overcome the difficulty, so great to a modern imagination, of entering intelligently into the polytheistic frame of mind and conception of nature. In no treatise which we could mention, certainly in no work connected with Grecian history, do we find so thorough a comprehension of that state of the human intellect in which the directly religious interpretation of nature is paramount—in which every explanation of phenomena, that refers them to the personal agency of a hidden supernatural power, appears natural and probable, and every other mode of accounting for them incredible—where miracles are alone plausible, and explanation by natural causes is not only offensive to the reverential feelings of the hearer, but actually repugnant to his reason, so contrary is it to the habitual mode of interpreting phenomena. A state of mind made perfectly intelligible by our knowledge of the Hindoos; and nowhere better exhibited than in the pictures given by near observers of that curious people, who reproduce in so many respects the mental characteristics of the infancy of the human race.*

* It is much to be regretted that so few such pictures are extant. We recommend, as one of the most instructive, the work, already referred to, of Colonel Sleeman—a book which may be called, without exaggeration, 'The Hindoos painted by themselves.'

Though many topics discussed in Mr Grote's volumes are more important, there is none more interesting, than the authorship of the Homeric poems; regarded by all antiquity as the production of one great poet, (or at most two, for the *Iliad* and *Odyssey*), but which the scepticism of a recent period has pronounced to be compilations made as late as the time of Pisistratus, from a multitudinous assemblage of popular ballads. Now, however, that the Wolfian hypothesis seems nearly abandoned in the country in which it arose, the notion that such productions could have been manufactured by piecing and dovetailing a number of short poems, originally distinct, may be ranked along with many other conceits of learned ingenuity, in the class of psychological curiosities. We are aware of no argument on the Wolfian side of the controversy which really deserves any weight, except the difficulty of conceiving that such long poems could have been composed and handed down to posterity by memory alone; for that they were produced prior to the use of writing, is certain, from many considerations,* and especially from the absence of the smallest allusion to such an art in the whole eight-and-forty books; though so full of notices and descriptions of almost every useful or ornamental process which can be supposed to have been in existence in that early age, that they have been said to be a summary of all the knowledge of the time. The preservation of such works, without help from writing, is no doubt, at the first aspect of the matter, surprising; but only because in this, as in so many other things, we antedate our modern experience, and apply to early ages the limited standard of our own. It is well said by Plato in the *Phædrus*, that the invention of letters was the great enfeebler of memory. In our time, when the habit is formed of recording all things in permanent characters, and when every one relies, not on memory, but on the substitutes for it, we can scarcely form an idea of what its intrinsic powers must have been, when exercised and cultivated as a thing to be solely depended upon. Between the remembering faculties of the Homerids of Chios, and those of our degenerate days, there was doubtless as great a difference as between the powers of eye and ear of a North American Indian and those of a London citizen. Nor was it, after all, more difficult to retain a single poem of twenty-four books, than twenty-four poems of one book each,

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* These are fully set forth by Mr Grote, pp. 191 to 197 of his second volume, and by Müller, *History of the Literature of Ancient Greece*, pp. 37 to 39.

which is much less than must have formed the stock in trade of any celebrated ἀοιδὸς. As for the poet himself, he doubtless, as he proceeded in the composition, wrote his poem, as it were, on the memory of the younger bards, by whom it is consonant to the manners of that age that he should have been surrounded.

Those who assert the essential unity of the Homeric poems, by no means deny that there may have been, and probably were, interpolations, and even additions of some length, made either by the same or by other poets, to the original plan. This is the ground taken by Mr Grote. He rejects the Pisistratean hypothesis. He maintains, from internal evidence, the complete unity of plan and authorship in the *Odyssey.* He claims a like unity for the greater part of the *Iliad;* but argues for an amount of subsequent addition to the poem greater than we can bring ourselves to consider probable. We shall give in his own words, what is peculiar to his theory :—

'The first book, together with the eighth, and the books from the eleventh to the twenty-second inclusive, seem to form the primary organization of the poem, then properly an Achilleis: the twenty-third and twenty-fourth books are additions at the tail of this primitive poem, which still leave it nothing more than an enlarged Achilleis: but the books from the second to the seventh inclusive, together with the tenth, are of a wider and more comprehensive character, and convert the poem from an Achilleis into an Iliad. The primitive frontispiece, inscribed with the anger of Achilles and its direct consequences, yet remains, after it has ceased to be coextensive with the poem. The parts added, however, are not necessarily inferior in merit to the original poem; so far is this from being the case, that amongst them are comprehended some of the noblest efforts of the Grecian epic. Nor are they more recent in date than the original; strictly speaking, they must be a little more recent, but they belong to the same generation and state of society as the primitive Achilleis.

'Nothing can be more striking than the manner in which Homer concentrates our attention, in the first book, upon Achilles as the hero, his quarrel with Agamemnon, and the calamities of the Greeks, which are held out as about to ensue from it, through the intercession of Thetis with Zeus. But the incidents dwelt upon from the beginning of the second book down to the combat between Hector and Ajax in the seventh, animated and interesting as they are, do nothing to realize this promise; they are a splendid picture of the Trojan war generally, and eminently suitable to that larger title under which the poem has been immortalized; but the consequences of the anger of Achilles do not appear until the eighth book. The tenth book, or Doloneia, is also a portion of the Iliad, but not of the Achilleis; while the ninth book appears to be a subsequent addition (I venture to say, an unworthy addition), nowise harmonizing with that main stream of the Achilleis, which flows from the eleventh book to the twenty second. The eighth

book ought to be read in immediate connexion with the eleventh, in order to see the structure of what seems the primitive Achilleis; for there are several passages in the eleventh and the following books, which prove that the poet who composed them could not have had present to his mind the main event of the ninth book—the outpouring of profound humiliation by the Greeks, and from Agamemnon especially, before Achilles, coupled with formal offers to restore Briseïs, and pay the amplest compensation for past wrong. The words of Achilles, (not less than those of Patroclus and Nestor,) in the eleventh and following books, plainly imply that the humiliation of the Greeks before him, for which he thirsts, is as yet future and contingent; that no plenary apology has yet been tendered, nor any offer made of restoring Briseïs, while both Nestor and Patroclus, with all their wish to induce him to take arms, nevertheless view him as one whose ground of quarrel stands still the same as it did at the beginning. Moreover, if we look at the first book—the opening of the Achilleis—we shall see that this prostration of Agamemnon and the chief Grecian heroes before Achilles, would really be the termination of the whole poem; for Achilles asks nothing more from Thetis, nor Thetis any thing more from Zeus, than that Agamemnon and the Greeks may be brought to know the wrong that they have done to their capital warrior, and humbled to the dust in expiation of it. We may add, that the abject terror in which Agamemnon appears in the ninth book, when he sends the supplicatory message to Achilles, as it is not adequately accounted for by the degree of calamity which the Greeks have experienced in the preceding (eighth) book, so it is inconsistent with the gallantry and high spirit with which he strives at the beginning of the eleventh. The situation of the Greeks only becomes desperate when the three great chiefs, Agamemnon, Odysseus, and Diomedes, are disabled by wounds; this is the irreparable calamity which works upon Patroclus, and through him upon Achilles. The ninth book, as it now stands, seems to me an addition by a different hand to the original Achilleis, framed so as both to forestal and spoil the nineteenth book, which is the real reconciliation of the two inimical heroes. I will venture to add, that it carries the ferocious pride and egotism of Achilles beyond all admissible limits, and is shocking to that sentiment of Nemesis which was so deeply seated in the Grecian mind. We forgive any excess and fury against the Trojans and Hector after the death of Patroclus, but that he should remain unmoved by restitution, by abject supplications, and by the richest atoning presents tendered from the Greeks, indicates an implacability more than human, and certainly such as neither the poet of the first book, nor the poet of the last twelve books, seeks to portray.'—(Vol. ii. 234-44.)

We are able to go so far with the distinction drawn by Mr Grote, as to admit that he has discriminated well between those parts of the Iliad which *cannot* have been additions to the original plan, and those which possibly may. If the poem does consist of an original basis and a subsequent enlargement, the books which he has pointed out, or some of them, must be the parts superadded. But that they, or even the ninth, to which he takes such

vehement exception, really were such subsequent additions, he has not succeeded in convincing us.

It is true, the books from the second to the seventh inclusive, in no way forward the action of the poem, as dependant on the anger of Achilles: and it is remarkable that, during that interval, Zeus not only suspends the performance of his promise to Thetis in the first book, but seems absolutely to have forgotten it, and directs his conduct and counsels by totally different considerations. This last is a serious blemish in the construction of the story; but imperfection of workmanship does not prove plurality of workmen; and if the poet intended to make his poem an Ilias as well as an Achilleis, there would have been in any case a difficulty of this sort to surmount, which it is not necessary to suppose that he must have surmounted successfully. But, if not strictly belonging to the plan of the Achilleis, these books conduce in a remarkable degree to the effect of those parts of the poem which do belong to it. In no epic is the interest centred exclusively in one individual; even in the Achilleis, not Achilles only, but the Greeks generally, and even the Trojans, inspire a keen sympathy; and how much that sympathy is promoted by the preliminary books, needs hardly be pointed out. Not only does the success of the Greeks in the fourth and fifth books greatly deepen the sense of their subsequent disaster, by giving it the character of a turn of fortune; while the exploits of the principal heroes, especially Diomedes and Ulysses, augment the impression of their difficulties when those heroes are disabled; but above all, it is in those books that we become acquainted with, and interested in, most of the leading characters of the subsequent epos. Hector especially, on whom the poet evidently intended that a strong personal interest should rest—what ground should we have had for sympathising with him, were it not for the beautiful scenes with Paris and Helen in the fourth book, Andromache and Hecuba in the sixth, and Ajax in the seventh? Without the books which Mr Grote strikes from the original plan, there would be, if we except the amiable characters of Patroclus and Sarpedon, scarcely any thing in the poem which excites a really personal interest.

With regard to the ninth book, we allow there are difficulties. The principal is the speech of Achilles to Patroclus in the eleventh book,* which certainly seems to imply that no atone-

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* ‘ Δῖε Μενοιτιάδη, τῷ ᾽μῷ κεχαρισμενε θυμῷ
Νῦν ὀϊω περὶ γουνατ᾽ ἐμὰ στησέσθαι ᾽Αχαιοὺς
Λισσομένους· χρείω γὰρ ἱκανεται οὐκετ᾽ ἀνεκτός.’
Iliad, xi. 607.

ment had yet been offered, or supplication made. Mr Grote quotes several other passages, which apparently carry a similar implication; but none which, we think, it would be difficult to get over, if this were disposed of. On the other hand, there are difficulties in his own theory. He gets rid of three subsequent allusions to the transactions of the ninth book, by pronouncing them to be interpolations; but he has overlooked one of greater importance in the sixteenth, where Achilles says to Patroclus, that the time has come at which he had said that his revenge would cease, since the enemy has now reached the ships.* He had said this nowhere, as the text now stands, except in his answer to the embassy. If it be suggested that this passage may also be an interpolation, (of which, however, we perceive no signs,) we shall still urge that it is not consonant to the character of Achilles, to suppose that he would have so far renounced his anger as to send aid to the Greeks even in that extremity, if he had received no offer whatever of atonement or restitution;—if Agamemnon and the Greeks had not yet acknowledged their fault, and humbled themselves before him. With respect to the argument from the more than human ferocity manifested by Achilles, and its conflict with the Greek sentiment of Nemesis, we cannot see the matter in the same light. It is with great hesitation that we should question any opinion of Mr Grote on a point of Greek erudition; but we know not what evidence he has that the peculiar Greek idea of Nemesis—manifested in the famous speech of Solon to Crœsus, and which afterwards acted so leading a part in the Athenian drama—had already begun to exist in the Homeric age. We rather believe it to have been one of the points of difference, between the more solemn and gloomy theology of the historic age of Greece, and the lively anthropomorphism of the Homeric Pantheon. We find no traces of it in Homer or Hesiod. We find, indeed, severe vengeance taken on mortals by the Homeric deities, not for pride or arrogance generally, but for some special affront to their own dignity; and particularly for any presumptuous attempt to dispute their pre-eminence. It is on such provocation that Thamyris is struck blind by the Muses, and the children of Niobe destroyed by the arrows of Apollo and Artemis. But no such offence is offered by Achilles in the ninth book; nor

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* ‘ Ἀλλὰ τὰ μέν προτετύχθαι ἐάσομεν· οὐδ' ἄρα πέρ ἦν
Ἀσπερχὲς κεχολῶσθαι ἐνὶ φρεσίν· ἦτοι ἔφην γε
Οὐ πρὶν μηνιθμὸν καταπαυσέμεν, ἀλλ' ὁπόταν δὴ
Νῆας ἐμὰς ἀφίκηται ἀϋτή τε, πτολεμός τε.’
Iliad, xvi. 60–64.

any disobedience to the divine powers. No god nor goddess had commanded him to lay aside his wrath, as Pallas, in the first book, restrains him from drawing his sword, and Zeus, in the twenty-fourth, enjoins him, through Thetis, to restore the body of Hector. To these intimations he is at once obedient, and is represented throughout as an eminently pious hero. Nor are we at all inclined to admit that his implacability exceeds what the sentiment of that age would allow of, in a character of vehement passion. He is not intended for a faultless hero; nor does he show any ferocity in the ninth book, at all comparable to that which he displays in the sixteenth; where, in the very act of sending forth Patroclus to aid the Greeks, he utters a fervent wish that not one Greek or Trojan might be left alive, but they two might alone survive to conquer Troy. Nor can we forget that several of the nobler characteristics of Achilles are nowhere so effectually manifested as in the ninth book; the princely courtesy, rivalling the best conceptions of chivalrous romance, in his reception of the embassy; and that abhorrence of disguise, also more resembling the knightly than the classical model, but so necessary to the ideal of his character, which he so emphatically announces in the lines so often quoted:

> ‘ Ἐχθρὸς γάρ μοι κεῖνος, ὁμῶς Ἀΐδαο πύλῃσιν,
> Ὅς χ' ἕτερον μὲν κεύθει ἐνὶ φρεσὶν, ἄλλο δὲ βάζει.’

With regard to the tenth book, we think there is weight in what the critics have urged, that the successful nocturnal enterprise of Diomed and Ulysses is skilfully interposed, not only to break the rapid succession of one battle upon another, but to reanimate the spirits and courage of the Greeks after the disasters of the eighth book. We cannot coincide in Mr Grote's unwillingness to believe ‘ that the author of the fifth book (or ‘ Aristeia of Diomedes) would condescend to employ the hero ‘ whom he there so brightly glorifies—the victor even over ‘ Ares himself—in slaughtering newly arrived Thracian sleepers, ‘ without any large purpose or necessity;’ since to kill men who were defenceless, provided they were enemies, and not ἱκέται or suppliants, had little that was repugnant to Greek feeling, even in a more advanced age; while an ambush is invariably spoken of in the Iliad as the most dangerous service, and the most decisive test of courage to which a warrior could be exposed. A Homeric audience would see, in this unchivalrous massacre, only the real intrepidity of the two heroes, in venturing alone, and for so perilous a purpose, into the camp of their sleeping enemies; and, in the Homeric point of view, it was doubtless an exploit worthy of the most distinguished warriors.

That Mr Grote should think it possible for the two concluding books to be additions, we confess surprises us. We cannot imagine how, with the ideas of the Greeks, both in the Homeric age and subsequently, respecting the rites of sepulture, the action of a Greek epos could ever have been complete until the two heroes, whose successive deaths formed the catastrophe of the poem, had received the accustomed funeral honours. Nor would a Greek audience, we think, have tolerated that Hector, the beloved of Zeus, whose death he so unwillingly concedes to Destiny and the public opinion of Olympus, should have been abandoned by him when dead to the ignominious fate designed, and in part executed, by Achilles. We need not point out how much the character of Achilles himself would lose of its interest, without the exquisite manner in which its softer elements are called forth by the interview with Priam; and though it may be true that 'the Homeric man would enter fully into the thirst of re-'venge felt by Achilles,' excessive and brutal as that revenge was, it is assuming too much to suppose that the Homeric man would have sympathized with Achilles exclusively. Such, certainly, was not Homer's purpose, as there are evidences enough even in the Achilleis to prove.

The chapter on the 'State of Society and Manners as exhibited in Grecian legend,' is sound and judicious; but on this subject previous writers had not left so much to be performed. A point of originality in Mr Grote's treatment of it is the comparison kept up between the characteristics of the heroic and those of the historical period. Thus, for example, the sense of obligation in the Homeric period is exclusively of a personal kind:—'Personal feelings either towards the gods, the king, or 'some near and known individual, fill the whole of a man's bo-'som; out of them arise all the motives to beneficence, and all 'the internal restraints upon violence, antipathy, and rapacity; 'and special communion, as well as special solemnities, are es-'sential to their existence;' while, in the conceptions of the citizen of historical Athens, 'the great impersonal authority called 'The Laws, stood out separately both as guide and sanction, 'distinct from religious duty or private sympathies.' In the Council of Chiefs, and the Agora or Popular Assembly, which, though with no definite function or authority, habitually accompany the Homeric kings, Mr Grote sees the pre-existing elements of the subsequent republican governments. The following is an important remark:—

'There is yet another point of view in which it behoves us to take notice of the Council and the Agora as integral portions of the legendary government of the Grecian communities. We are thus enabled to trace

the employment of public speaking as the standing engine of government and the proximate cause of obedience, to the social infancy of the nation. The power of speech in the direction of public affairs becomes more and more obvious, developed, and irresistible, as we advance towards the culminating period of Grecian history—the century preceding the battle of Chæroneia. That its development was greatest among the most enlightened sections of the Grecian name, and smallest among the more obtuse and stationary, is matter of notorious fact; and it is not less true, that the prevalence of this habit was one of the chief causes of the intellectual eminence of the nation generally. At a time when all the countries around were plunged comparatively in mental torpor, there was no motive sufficiently present and powerful to multiply so wonderfully the productive minds of Greece, except such as arose from the rewards of public speaking. The susceptibility of the multitude to this sort of guidance, their habit of requiring and enjoying the stimulus which it supplied, and the open discussion, combining regular forms with free opposition, of practical matters, political as well as judicial, are the creative causes which formed such conspicuous adepts in the art of persuasion. Nor was it only professed orators who were thus produced: Didactic aptitude was formed in the background, and the speculative tendencies were supplied with interesting phenomena for observation and combination, at a time when the truths of physical science were almost inaccessible. If the primary effect was to quicken the powers of expression, the secondary, but not less certain result, was to develope the habits of scientific thought. Not only the oratory of Demosthenes and Pericles, and the colloquial magic of Socrates, but also the philosophical speculations of Plato, and the systematic politics, rhetoric, and logic of Aristotle, are traceable to the same general tendencies in the minds of the Grecian people; and we find the germ of these expansive forces in the senate and agora of their legendary government.'—(Vol. ii. pp. 105-6.)

Incidental remarks of this nature, on the influence of circumstances in forming the peculiar Grecian character and civilization, occur largely in the first two chapters on historical Greece, viz., on its geography, and on 'the Hellenic people generally in 'the early historical times.' Mr Grote does not give these speculations for more than they are worth. He does not affect to exhaust the subject, nor pretends that the causes he assigns account for the whole of the effect; but he points out the natural tendencies of each influential fact, as it successively passes under his review. The following (Vol. ii. pp. 298-302) is a favourable specimen:—

'The configuration of the Grecian territory, so like in many respects to that of Switzerland, produced two effects of great moment upon the character and history of the people. In the first place, it materially strengthened their powers of defence; it shut up the country against those invasions from the interior which successively subjugated all their continental colonies; and it at the same time rendered each fraction

more difficult to be attacked by the rest, so as to exercise a certain conservative influence in assuring the tenure of actual possessors. But, in the next place, while it tended to protect each section of Greeks from being conquered, it also kept them politically disunited, and perpetuated their separate autonomy. It fostered that powerful principle of repulsion, which disposed even the smallest township to constitute itself a political unit apart from the rest, and to resist all idea of coalescence with others, either amicable or compulsory. To a modern reader, accustomed to large political aggregations, and securities for good government through the representative system, it requires a certain mental effort to transport himself back to a time when even the smallest town clung so tenaciously to its right of self-legislation. Nevertheless, such was the general habit and feeling of the ancient world, throughout Italy, Sicily, Spain, and Gaul: among the Hellenes it stands out more conspicuously, for several reasons—first, because they seem to have pushed the multiplication of autonomous units to an extreme point, seeing that even islands not larger than Peparethos and Amorgos had two or three separate city communities; secondly, because they produced, for the first time in the history of mankind, acute systematic thinkers on matters of government, amongst all of whom the idea of the autonomous city was accepted as the indispensable basis of political speculation; thirdly, because this incurable subdivision proved finally the cause of their ruin, in spite of pronounced intellectual superiority over their conquerors; and, lastly, because incapacity of political coalescence did not preclude a powerful and extensive sympathy between the inhabitants of all the separate cities, with a constant tendency to fraternise for numerous purposes, social, religious, recreative, intellectual, and æsthetical. . . .

'Nor is it rash to suppose that the same [geographical] causes may have tended to promote that unborrowed intellectual development for which they stand so conspicuous. General propositions respecting the working of climate and physical agencies upon character are indeed treacherous; for our knowledge of the globe is now sufficient to teach us that heat and cold, mountain and plain, sea and land, moist and dry atmosphere, are all consistent with the greatest diversities of resident men. . . . Nevertheless, we may venture to note certain improving influences, connected with their geographical position, at a time when they had no books to study, and no more advanced predecessors to imitate. We may remark, first, that their position made them at once mountaineers and mariners, thus supplying them with great variety of objects, sensations, and adventures; next, that each petty community, nestled apart amidst its own rocks, was sufficiently severed from the rest to possess an individual life and attributes of its own, yet not so far as to subtract it from the sympathies of the remainder; so that an observant Greek, commercing with a great diversity of half-countrymen, whose language he understood, and whose idiosyncracies he could appreciate, had access to a larger mass of social and political experience than any other man in so unadvanced an age could personally obtain. The Phœnician, superior to the Greek on ship-board, traversed wider distances and saw a greater number of strangers, but he had not the same means of intimate communion with a

multiplicity of fellows in blood and language: his relations, confined to purchase and sale, did not comprise that mutuality of action and reaction which pervaded the crowd at a Grecian festival. The scene which here presented itself was a mixture of uniformity and variety highly stimumulating to the observant faculties of a man of genius,—who at the same time, if he sought to communicate his own impressions, or to act upon this mingled and diverse audience, was forced to shake off what was peculiar to his own town or community, and to put forth matter in harmony with the feelings of all.'

In the six concluding chapters of the second volume, Mr Grote comprises the sum of what is known respecting the early condition of those Grecian states which have properly no history prior to the Persian invasion; and brings down the history of all the others except Athens, to the age of Crœsus and Pisistratus. The fragmentary nature of the information, and the conscientious integrity of the author, who scruples to supply the deficiency of certified facts by theory and conjecture, render these chapters, with one exception, somewhat meagre. The exception is the chapter which treats of the Legislation of Lycurgus, the earliest Grecian event of first-rate historical importance.

Although of the personality of Lycurgus scarcely any thing can be said to be known, Mr Grote entertains no doubt that such a person existed, and that the peculiar Spartan institutions were the work of a single legislator. Indeed, extraordinary as it may seem that one man, or even a combination of men, should have had power not merely to introduce, for that is little, but to give enduring vitality to so singular a system of manners and institutions, the system itself is so intensely artificial, that any more commonplace origin would be still more improbable; it bespeaks in every part systematic design.

The received view, however, of the Lycurgean Reforms, and even of the Spartan institutions, Mr Grote shows to be, in one important point, erroneous; the supposed equal division of landed property. He rejects this, not on the score of improbability, for it is not in itself so hard to believe as what Lycurgus really effected; but because no mention of it is to be found in any Greek author who lived while the Lycurgean institutions were still in force; and there is ample proof that neither Herodotus, Thucydides, Xenophon, Isocrates, Plato, nor Aristotle knew of any such equal division, either as connected with Lycurgus or with Sparta. It rests on the sole testimony of Plutarch; and Mr Grote believes it to have been an historic fancy, generated long after by the regrets and aspirations of the patriotic party of which the reforming kings, Agis and Cleomenes, were at the head.

'Taking the condition of the city as it stood in the time of Agis III. (say about 250 B.C.), we know that its citizens had become few in number, the bulk of them miserably poor, and all the land in a small number of hands—the old discipline and the public mess (as far as the rich were concerned) degenerated into mere forms—a numerous body of strangers or non-citizens (the old xenêlasy, or prohibition of resident strangers, being long discontinued) domiciled in the town, and forming a powerful moneyed interest; and lastly, the dignity and ascendency of the state amongst its neighbours altogether ruined. It was insupportable to a young enthusiast like king Agis, and to many ardent spirits among his contemporaries, to contrast this degradation with the previous glories of the country; and they saw no other way of reconstructing the old Sparta except by again admitting the disfranchised poor citizens, redividing the lands, cancelling all debts, and restoring the public mess and military training in all their strictness. Agis endeavoured to carry through these subversive measures, (such as no demagogue in the extreme democracy of Athens would ever have ventured to glance at,) with the consent of the senate and public assembly, and the acquiescence of the rich. His sincerity is attested by the fact, that his own property, and that of his female relatives, among the largest in the state, was cast as the first sacrifice into the common stock. But he became the dupe of unprincipled coadjutors, and perished in the unavailing attempt to realize his scheme by persuasion. His successor Kleomenês afterwards accomplished by violence a change substantially similar, though the intervention of foreign arms speedily overthrew both himself and his institutions.

'Now it was under the state of public opinion which gave birth to these projects of Agis and Kleomenês at Sparta, that the historic fancy, unknown to Aristotle and his predecessors, first gained ground, of the absolute equality of property as a primitive institution of Lycurgus. How much such a belief would favour the schemes of innovation, is too obvious to require notice; and, without supposing any deliberate imposture, we cannot be astonished that the predispositions of enthusiastic patriots interpreted according to their own partialities an old unrecorded legislation from which they were separated by more than five centuries. The Lycurgean discipline tended forcibly to suggest to men's minds the *idea* of equality among the citizens,—that is, the negation of inequality not founded on some personal attribute—inasmuch as it assimilated the habits, enjoyments, and capacities of the rich to those of the poor; and the equality thus existing in idea and tendency, which seemed to proclaim the wish of the founder, was strained by the later reformers into a positive institution which he had at first realized, but from which his degenerate followers had receded. . . . We shall readily believe that [this hypothesis] would find easy and sincere credence, when we recollect how many similar delusions have obtained vogue in modern times far more favourable to historical accuracy—how much false colouring has been attached by the political feeling of recent days to matters of ancient history, such as the Saxon Wittenagemote, the Great Charter, the rise and growth of the English House of Commons, or even the Poor-law of Elizabeth.'—(Vol. ii., pp. 527–30.)

The peculiarity of Sparta was not equality of fortunes, but a consistent attempt to make rich and poor live exactly alike; and live not for themselves, but as the creatures and instruments of the ideal being called the State. The expedient used by the legislator to effect this, was to destroy, not private property itself, but the possibility of any separate enjoyment of it. By a stated contribution in kind from every citizen, public tables were maintained, at which all Spartans, from childhood to death, took regularly the same frugal meal. The Spartan citizen

'Lived habitually in public, always either himself under drill, gymnastic and military, or a critic and spectator of others—always under the fetters and observances of a rule partly military, partly monastic, estranged from the independence of a separate home, seeing his wife during the first years after marriage, only by stealth, and maintaining little peculiar relation with his children. The surveillance not only of his fellow citizens, but also of authorised censors or captains nominated by the state, was perpetually acting upon him; his day was passed in public exercises and meals, his night in the public barrack to which he belonged. * * *

'The parallel of the Lycurgean institutions is to be found in the Republic of Plato, who approves the Spartan principle of select guardians, carefully trained and administering the community at discretion; with this momentous difference, indeed, that the Spartan character formed by Lycurgus is of a low type, rendered savage and fierce by exclusive and overdone bodily discipline, destitute even of the elements of letters, immersed in their own narrow specialties, and taught to despise all that lay beyond, possessing all the qualities requisite to procure dominion, but none of those calculated to render dominion popular or salutary to the subject; while the habits and attributes of the guardians, as shadowed forth by Plato, are enlarged as well as philanthropic, qualifying them not simply to govern, but to govern for purposes protective, conciliatory, and exalted. Both Plato and Aristotle conceived as the perfection of society something of the Spartan type, a select body of equally privileged citizens, disengaged from industrious pursuits, and subjected to public and uniform training; both admit (with Lycurgus) that the citizen belongs neither to himself, nor to his family, but to his city; both at the same time note with regret, that the Spartan training was turned only to one portion of human virtue, that which is called forth in a state of war; the citizens were converted into a sort of garrison, always under drill, and always ready to be called forth either against Helots at home, or against enemies abroad. . . . When we contemplate the general insecurity of Grecian life in the ninth or eighth century before the Christian era, and especially the precarious condition of a small band of Dorian conquerors in Sparta and its district, with subdued Helots on their own lands, and Achæans unsubdued all around them . . . . the exclusive aim which Lycurgus proposed to himself is easily understood; but what is truly surprising is the violence of

his means and the success of the result. He realised his project of creating in the 8000 or 9000 Spartan citizens unrivalled habits of obedience, hardihood, self-denial, and military aptitude—complete subjection on the part of each individual to the local public opinion, and preference of death to the abandonment of Spartan maxims—intense ambition on the part of every one to distinguish himself within the prescribed sphere of duties, with little ambition for any thing else. In what manner so rigorous a system of individual training can have been first brought to bear upon any community, mastering the course of the thoughts and actions from boyhood to old age—a work far more difficult than any political revolution—we are not permitted to discover; nor does even the influence of an earnest and energetic Herakleid man, seconded by the still more powerful working of the Delphian god behind, upon the strong pious susceptibilities of the Spartan mind, sufficiently explain a phenomenon so remarkable in the history of mankind, unless we suppose them aided by some combination of co-operating circumstances which history has not transmitted to us, and preceded by disorders so exaggerated as to render the citizens glad to escape from them at any price.'—(Vol. ii. pp. 504-519.)

There is indeed no such instance of the wonderful pliability, and amenability to artificial discipline, of the human mind, as is afforded by the complete success of the Lacedæmonian legislator, for many generations, in making the whole body of Spartan citizens *at Sparta* exactly what he had intended to make them. At Sparta, it must be said; for a Spartan out of Sparta, at least during his country's ascendancy, was not only the most domineering and arrogant, but in spite of, or rather by a natural reaction from his ascetic training, the most rapacious and corrupt of all Greeks: no one fell so easy a victim to the temptations of luxury and splendour. Yet such habitual abnegation of ordinary personal interests, and merging of self in an idea, were not compatible with pettiness of mind. Most of the anecdotes and recorded sayings of individual Lacedæmonians breathe a certain magnanimity of spirit; although the Lacedæmonian state, which was the object of this worship, and was accustomed not to give but to receive sacrifices, was memorable for the peculiar pettiness of its political conduct—a selfishness so excessive, as, by the blindness and even the un-Spartan cowardice which it engendered, perpetually to frustrate its own ends.

Such were the Spartans; those hereditary Tories and Conservatives of Greece;—objects of exaggerated admiration to the moralists and philosophers of the far nobler as well as greater and wiser Athens; because the second-rate superior minds of a cultivated age and nation are usually in exaggerated opposition against its spirit; and lean towards the faults contrary to those against which they are daily contending. To men who felt called upon

to stand up for Law against Will, and for traditional wisdom against the subtleties of sophists, and the arts of rhetoricians, Sparta was the standing model of reverence for law, and attachment to ancient maxims. The revolutions which incessantly menaced every other Grecian state, and from which even Athens was not wholly secure, never threatened Sparta. The steadiness of the Spartan polity, and the constancy of Spartan maxims, were to the Greeks highly imposing phenomena. 'It was the 'only government in Greece which could trace an unbroken 'peaceable descent from a high antiquity, and from its real or 'supposed founder;' and this, we think with Mr Grote, was one of the main causes 'of the astonishing ascendancy which 'the Spartans acquired over the Hellenic mind, and which they 'will not be found at all to deserve by any superior ability 'in the conduct of affairs. The steadiness of their political sym-'pathies—exhibited at one time by putting down the tyrants or 'despots, at another by overthrowing the democracies—stood in 'the place of ability; and even the recognised failings of their 'government were often covered by the sentiment of respect 'for its early commencement and uninterrupted continuance.'—(Vol. ii. p. 477.)

The reader who is conversant with the existing state of knowledge respecting the Grecian world, will gather from what has been laid before him, that as a contribution to that knowledge, the present work is of high performance and still higher promise. The author is not surpassed even by German scholarship, in intimate and accurate acquaintance with the whole field of Greek literature and antiquity; while none of his predecessors have approached to him in the amount of philosophy and general mental accomplishment which he has brought to bear upon the subject. In his remaining volumes, the next two of which, he informs us, are far advanced towards completion, he will have an opportunity of manifesting the same qualities in a more attractive field.

It has been made an objection to the volumes now published, that they contain a greater amount of dissertation than of history. To such objectors it may be replied, that for the times here treated of, a continuous stream of narrative is not possible; that those who desire nothing from history but an amusing story, may find such abundantly provided elsewhere; that it is as much a historian's duty to judge as to narrate, to prove as to assert; and that the same critics would be the first to reproach a writer who should substitute for the commonly received view of the facts, a view of his own, without showing by what evidence

he was prepared to substantiate it. There is in this case, too, the further peculiarity, that what is brought forward as matter of evidence, is itself almost always part and parcel of the exposition of the Greek mind; and on this score alone, no one who wishes to understand what Greece was, would desire to see one page of Mr Grote's argumentative chapters expunged.

But another task lies before him, in those more eventful portions of the history, in which the graces of narrative are possible and to be expected. He will have the advantage, seldom possessed by historians, of finding in the writers whom he consults for the materials of his tale, the most finished examples of the mode of telling it. He has only to imitate their union of distinctness with condensation, of general unity with characteristic and picturesque detail; nay, he might almost content himself, in many of the most animated scenes, with a literal translation.

In the present volumes the style is clear, unaffected, and often very apt and vigorous. If we have a complaint to make, it would be of the too frequent employment of words of Greek or Latin origin; some of them recognised English words, though not in common use, but others purely of his own invention, and unintelligible except to scholars. In some cases, doubtless, the words are needed, and carry their explanation along with them: such a word as 'autonomous,' conveying a political idea not exactly expressed by any modern word or phrase, is its own sufficient justification; and the same may be said of 'gens,' a word borrowed from Roman history, to express a combination of religious and political ideas familiar to antiquity, and the same, substantially, which Niebuhr has proved that the term denoted at Rome. But many cases would be found in a careful revisal of these volumes, in which similar hard words are used to convey a meaning which might be perfectly expressed by phrases generally intelligible.

Mr Grote has made considerable innovations in the English orthography of Greek names, on the principle of keeping nearer to the Greek; instead of following the foreign spelling of the Romans merely because we have adopted their alphabet. There would be more to be said for this principle if it could be carried out consistently; but Mr Grote concedes so many exceptions to the shocked feelings of the reader, that in the end the disturbance of old associations is almost gratuitous. He justifies the restoration of the Greek K in place of the Roman C, by the injury which the sibilant letter does to the unrivalled harmony of the Greek language; yet he not only does not venture to write Korinth or Krete, but not even Phokis or Sikyon. At all events, we can see no reason for preserving K in words in which

the sound of C is precisely similar, such words as Locris or Cleomenes. There are other cases, too, to which his principle would extend, but in which he retains the Latin orthography. He writes Meno, Polemo, instead of Menon, Polemon; and why should one of the lost poems of Hesiod continue to be designated by so unpronounceable a name as Eœæ? The real word is Eoiai, a name of genuine Greek sonorousness. We quite approve of retaining the diphthong *ei* (as Cleinias, Peisistratus,) if for no other reason than to mark the quantity: this example had been already set by Mr Mitford. We are glad also that Mr Grote, with the majority of recent scholars, preserves, when writing about Greece, the Grecian names of Divinities, and speaks of Ares and Demeter, not Mars and Ceres. The Roman deities mostly belonged to another mythology, had different legends, and to a great extent different attributes; and were only at a late period identified with the gods and goddesses of the Grecian Olympus. As well almost might we name these after Isis, Osiris, &c., with whom also Grecian ingenuity identified them; as it would undoubtedly have done with Thor, Odin, and Freya, if Scandinavia as well as Egypt had been known and frequented by Grecian travellers.

Art. IV.—1. *The Lives of Eminent English Judges of the Seventeenth and Eighteenth Centuries.* By W. N. Welsby, Esq., M.A., Recorder of Chester. 8vo. London: 1846.

2. *The Lives of Twelve Eminent Judges of the Last and of the Present Century.* By William C. Townshend, Esq., M.A., Recorder of Macclesfield. Two Volumes. 8vo. London: 1846.

In an Essay on Gin-Shops, published in the first volume of 'Essays, by Boz,' will be found some curious remarks on the liability of certain trades to run mad in concert, or contract epidemic disorders of a very distressing and eccentric kind; the most remarkable symptoms being an enormous outlay in decorations and announcements, or an unaccountable eagerness to create a demand for commodities by overstocking the market with them. The writer mentions gin-shops, shawl-shops, and druggists as familiar instances; but we should be inclined to name booksellers as the severest sufferers from such maladies; for though their expenditure in plaster pillars, gilding and plate-glass, has

not hitherto been excessive, they surely more than compensate for any comparative saving in these articles by advertisements; and no class of traders speculate more rashly on a demand to be created, or rush into madder competition at the first glimpse of an opening or new field for capital. With them, it never rains but it pours; single misfortunes (meaning bad books) never come alone; and when we get a good thing, it speedily becomes so parodied and travestied by imitators, that we often end by wishing we never had it at all. For example, the historical novels of the last fifteen or twenty years are a heavy set-off against our debt of gratitude to the author of Waverley; and as to the fashionable novels, we are tempted to address the only surviving founder of any note in the words of Mrs Cole:— 'Oh, 'Lord N., Lord N.! where do you expect to go when you die?'

At the same time, it must be admitted that the prolonged duration as well as frequent recurrence of the madness or disease, is in no small degree owing to the remissness of the critical portion of the press; for it is obvious that a good slashing article might operate as beneficially as shaving the head and blistering; and a coxcombical writer held up to merited ridicule, would be as incapable of communicating infection as a bale of goods rinsed in vinegar and fumigated, according to the approved laws of quarantine. To show what may be done in this line, we have only to refer to the sudden and beneficial check given to the multiplication of lady-travellers by our chief southern contemporary. Far be it from us to say that the highborn dames in question were superfluous on the field of literature, but their copyists would be; and even of fair originals, we had assuredly enough. Just so—to come to the class of productions whose threatened influx has frightened us into the foregoing train of reflection—far be it from us to say or insinuate that Mr Welsby and Mr Townshend are to be received as unbidden and unwelcome guests, or that there is no room for them at our table; but we honestly think we have now as much legal biography as we shall want till another generation of lawyers has died away; and we trust 'the trade' will take due notice of the fact. The works before us, with Mr Twiss's *Life of Lord Eldon*, and Lord Campbell's *Lives of the Chancellors* (when completed), will make about twelve thick closely-printed octavos; which is as much as an enlightened public can masticate, and more than it can digest, of any given subject within two years.

We have already borne willing testimony to the very high merits of Mr Twiss's and Lord Campbell's works; and it is no slight praise to say, that Mr Welsby's and Mr Townshend's are

in all respects worthy to be placed alongside of them. Here, however, we must distinguish.

Mr Welsby's publication contains a great deal of valuable matter and agreeable writing; but seven out of the sixteen memoirs are not his own; and there is internal evidence that, as regards these at any rate, the volunteered duties of editor have been somewhat hastily performed. The Notice of Hale is a mere reprint of a Magazine article on the face of it.

Mr Townshend felt more respect for the public, or had not the same reasons for hurrying into the field. 'From a consideration 'of delicacy due to relatives, (so runs the Preface,) the biographer 'has, in every instance where there were immediate descendants 'surviving, requested and obtained permission to publish these 'memoirs. To the Earl of Eldon, to Lords Kenyon, Alvanley, 'Redesdale, and Tenterden, and to the Honourable Thomas 'Erskine, his acknowledgments are especially due for the cour-'tesy with which the permission was conceded. For the accu-'racy of the facts and justice of the comments he is alone 'responsible. *A third of these volumes is new.*' A statement of this kind adds incalculably to the value of such a work.

The lives included in Mr Welsby's volume are those of Whitelock, Holt, Lord Cowper, Lord Harcourt, Lord Macclesfield, Lord King, Lord Talbot, Lord Bathurst, and Lord Camden, by Mr Welsby himself: Hale, by Mr H. Merivale; Blackstone, by a writer not named; Lords Nottingham, Hardwicke, Mansfield, Thurlow, and Ashburton, by the late Edmund Plunkett Burke;—a man never mentioned without expressions of the warmest regard and highest admiration by his contemporaries. He accepted the appointment of Judge in the West Indies in 1832, and was killed in a hurricane in 1835. The Lives contributed by him are more than ordinarily attractive; independently of the variety of racy anecdotes scattered through them, they derive a peculiar charm from the genial humour of the writer.

Mr Townshend's twelve forensic or judicial Cæsars are—Lords Loughborough, Kenyon, Ellenborough, Tenterden, Alvanley, Erskine, Redesdale, Stowell, and Eldon; Mr Justice Buller, Sir William Grant, and Sir Vicary Gibbs. The general character and tendency of his volumes are stated in a striking passage of the preface:

'In the biography of these revered magistrates, whose contemporary course reflects light upon each other, and illustrates the legal annals of our times, there are comprehended records of eloquent debate, and able statesmanship, and useful legislation; many bright passages of national history; reports of those eventful trials which move the feel-

ings, and stir the blood; the struggles and triumphs of advocacy; the narrative of early disappointments and severe privations; of persevering diligence, determined fortitude, and unwearied hope; of the lucky chance and crowning victory; the clouded opening of their fortunes and its serene close; the mode and manner, so well worth studying, in which these intellectual prize-men, "bankrupt of health and prodigal of ease," achieved wealth, titles, and fame. We trace the gradual ascent of the surgeon's boy, and the barber's son, up the rugged steep, and rejoice over the course of the brothers Scott, working their way from the coal-fitter's yard at Newcastle, to the height of civil greatness—teaching the valuable lesson, fraught with courage and constancy, to the profession, that neither lowliness of birth, nor absence of fortune, nor delay of opportunity, is sufficient to crush or subdue the progressive and expanding force of talent and industry.'

This is pretty nearly the moral we endeavoured to point in our review of the *Life of Lord Eldon*. In the course of that review, we also discussed most of the obvious topics suggested by this description of biography, and there is no necessity for recurring to them. For this reason we shall deal with the works before us rather differently; and rather differently than we should deal with works whose contents, (or the more attractive portion of them,) transferred to our pages, would have the charm of novelty. We shall abridge and quote only so much of these as may be found necessary in an attempt we are about to make, to fix the claims and character of the legal profession in England by a sketch of its brightest ornaments, its proudest illustrations —the lawyers to whom the traditions of past ages, or the remains of 'hero-worship' still lingering in our own, would assign niches in a British Valhalla, or (our nearest approach to a Valhalla) the passages and waiting-rooms of the new Houses of Parliament.

That the attempt is a somewhat hazardous one, is undeniable; and the difficulties recently experienced by the famous Committee of Taste in classifying the Worthies of the United Kingdom, are alone sufficient to prove the impossibility of inducing unanimous, or any thing like unanimous, agreement on such points; but we believe the majority of impartial persons, after duly weighing, comparing and analysing, will come to the conclusion that there are only eleven English lawyers who fairly combine the two essential requisites of professional admiration and popular renown: Coke, Hale, Somers, Holt, Hardwicke, Mansfield, Camden, Blackstone, Stowell, Erskine, and Romilly. There is something factitious or fugitive about all the rest who might be named as candidates. They may have been great judges, like Lords Kenyon, Ellenborough, and Tenterden; or consummate advocates, like the late Lord Abinger and Sir William Follett; but they took things pretty nearly as they found them, and

therefore left no impress on their age; they contributed nothing, or nothing of an enduring character, to legislation or legal literature; they were not associated with any great struggle for constitutional rights; nor (above all) is any impulsive feeling of admiration or respect awakened in the minds of the greater public by the bare mention of their names. Now popular (at least unprofessional) recognition is, in our opinion, indispensable to make a genuine worthy in the highest sense, or fairly set up an object of hero-worship; and though it may be urged that a following generation is as likely to err from ignorance or forgetfulness as a contemporary age from prejudice, this can only apply to persons whose services have been performed in obscurity; and it is hardly possible to conceive a case in which so conspicuous an actor as a successful lawyer could be held entitled to a national tribute, if, to establish his claim, it were necessary to reverse the judgment or kindle the enthusiasm of posterity. On this principle, we hesitated a little before we put down Lord Stowell, doubting whether the sense of his greatness was sufficiently diffused; but his Continental reputation more than counterbalances any insensibility (which can arise only from pure ignorance) in his countrymen. As to Glanville, Bracton, and Littleton, they are mere abstractions or names for books. Sir Thomas More's place is among scholars and philanthropists; and Bacon belongs to mankind.

In the controversy raised by the Report of the Committee of Taste relative to the proposed statue of Cromwell, it was vehemently debated to what extent the want of virtue or morality was an allowable deduction from greatness; and most reasonable people came to the conclusion that nothing more could be fairly required than that the prominent impression should be that of great capacity or high enterprise, not ignobly directed, and leaving indelible traces of the passage of a master-mind. It is enough, therefore, to say of Coke, the first upon our list of worthies, that he was the most profoundly learned English lawyer that ever lived; and that his writings on professional subjects form an epoch in the history of our Law. The famous Commentary on Littleton has been not unaptly termed the Lawyer's Bible, (we rather think the name was first given by Dr Watt,) so deep and unremitting was the attention devoted to it in the days of the Hargraves and Butlers; and as to the Reports, let his great rival Bacon speak:—'To give every man 'his due, had it not been for Sir Edward Coke's Reports, 'which, though they have many errors, and some peremptory 'and extrajudicial resolutions more than are warranted, yet they 'contain infinite good decisions and rulings over of cases; the

'law by this time had been like a ship without ballast, for that 'the cases of modern experience are fled from those that are 'adjudged and ruled in former time.'

His professional admirers may fairly rest here; and perhaps this would be their wisest course; for it is far from clear that Coke really played the prominent and original part in asserting the independence of the Bench that has been popularly attributed to him. We threw out a hint to this effect in an Article of some length on Mr Johnstone's *Life of Coke*, in our forty-seventh volume; but it is right to add that, on one or two occasions, Coke, by his own showing at least, personally confronted the King in a manner which does him infinite credit, considering the frail tenure on which he held his office. For example:

'A controversy of law between parties was heard by the king, and sentence given, which was repealed for this, that it did not belong to the common law: then the king said that he thought the law was founded upon reason, and that he and others had reason, as well as the judges: to which it was answered by me, that true it was that God had endowed his majesty with excellent science, and great endowments of nature; but his majesty was not learned in the laws of his realm of England, and causes which concerned the life, or inheritance, or goods, or fortunes of his subjects, are not to be decided by natural reason, but by the artificial reason and judgment of law, which law is an art which requires long study and experience, before that a man can attain to the cognizance of it; and that the law was the golden met-wand and measure to try the cause of the subjects; and which protected his majesty in safety and peace; with which the king was greatly offended, and said, that then he should be under the law, which was treason to affirm, as he said; to which I said, that Bracton saith, *quod Rex non debet esse sub homine, sed sub Deo et lege.*' *

The leading events in the political and private life of Coke were enumerated and discussed in the article already mentioned. Hale's reputation is of a very different order. It rests on the whole tenor of a life; and his habit of setting down his inmost thoughts in writing has fortunately enabled us to form an estimate of the springs which influenced his conduct, as well as of his outward demeanour and public professions. It needed something of the sort to redeem a part of his career from the suspicion of time-serving; but when we are properly impressed with the principles on which he acted, we gradually come round to the conclusion, that a man will best discharge the duties of a good citizen and upright magistrate, in troubled times, by keeping aloof from party, and helping to maintain order,

* 12 Rep. p. 65.

without regarding whether Cavaliers or Roundheads, Presbyterians or Independents, Kings, Parliaments, or Lords-Protectors, were uppermost. Indeed, it is obvious that the evils of a revolutionary or transition state of things would be incalculably increased—nay, that downright anarchy might ensue—if all men of honour and principle were to decline acting in a magisterial capacity, under a government whose title was disputed; or if it were made a test of integrity and patriotism (as it certainly was in one ancient republic) to go heart and soul with one faction or another; in which case no compromise could ever be practicable, and no honest mediator could exist. 'It was 'Hale's deliberate rule' (says Mr Merivale, the writer of the able biographical notice in Mr Welsby's collection) 'to acquiesce in 'the government *de facto*, without servile approbation of its mea-'sures, if obnoxious to his sense of right. His notion of the duty 'of a citizen was the very reverse of that of the nonjurors of 'every revolution. He proposed the Roman citizen Atticus 'to himself as a model in political conduct; and, of course, he 'was willing to incur the reproach to which that personage was 'subject from all classes of partisans in ancient Rome, who 'treated him as a trimmer and waiter on Providence.'

It requires much force of character, and the true spirit of self-sacrifice properly manifested on occasions, not to merit this reproach to some extent; and we are far from clear that Atticus did not merit it. There is a wide difference between positively refusing to take either side in a party contest, and withdrawing into private life to indulge a taste for indolence, lettered or unlettered. We may mourn over the fate of Archimedes, too much occupied by his problem to know that Syracuse was taken; but as for the country squire who was observed quietly drawing a fox-cover within half-a-mile of the field of Edgehill, on the morning of the fight, the first trooper who came across him would have been justified in cleaving him to the girdle. Hale hit the happy medium, and received the respectful confidence of the leading men of both sides. In his professional capacity, he was employed by turns for the parliament and the crown. Burnet says he was assigned Counsel to Charles I. on his trial; and Sergeant Runnington conjectures that it was by Hale's advice that the King took the line of denying the jurisdiction of the court. But this is only conjecture; and the Bishop of St David's (Thirlwall) in his edition of Burnet, doubts whether Hale was ever so assigned or acted at all.

The fate of the Monarch and the Monarchy filled Hale with anxious forebodings; and he is said to have hid the unfinished

manuscript of his 'Pleas of the Crown' behind the wainscoting of his study, with the remark, that 'There would be no more 'occasion for them until the King was restored to his right.' He afterwards defended Lord Craven in so independent a manner, as to draw on himself the threats of the Attorney-General for the Commonwealth; but very shortly after the commencement of the Protectorate, (December 16, 1653,) Cromwell sent for him, and proposed to make him a Judge. The story goes that Hale objected, and plainly told the Protector that he was not satisfied of his authority, but gave up his scruples on Cromwell's saying,—'If you won't let me govern by red gowns, 'I am resolved to govern by red coats.' Sergeant Runnington, with the caution of an old pleader, questions the authenticity of this anecdote. 'I doubt whether the army had at this time any 'regular uniform; and, if they had, that it was scarlet.' But Mr Merivale asserts that many of Cromwell's regiments certainly wore red coats, though a regular uniform was not introduced into the French army till 1670, nor into the English until a still later period. Be this as it may, Hale became convinced of the propriety of compliance, and accepted the appointment of a puisne Judge of the Common Pleas. His scruples, however, were not yet silenced, and he soon came to a resolution to take no part in the administration of the criminal law, because, 'in 'matters of blood, he was always to choose the safe side.' The distinction is so utterly indefensible, except as a matter of personal feeling, that his biographers have employed a good deal of conjectural reasoning to account for it. One solution is, that Cromwell's repeated interference made it impossible to ensure a fair trial, but the only recorded instance of such interference occurred in a civil suit. It is said that, finding the jury returned by the express direction of Cromwell, Hale dismissed them, and refused to try the cause; that Cromwell sent for him, and said, 'You are not fit to be a judge;' and that Hale gravely answered, 'It is true.' He notwithstanding retained his office till the death of the Protector, when he instantly surrendered it, saying, 'I can no longer act under such authority.'

He sat as member for the county of Gloucester in the Parliament which recalled Charles II., and he endeavoured to obviate the bad consequences of an unconditional restoration, by moving for a committee to digest propositions &c.; but the motion was opposed by Monk, and failed in consequence. Yet such was the general estimate of Hale's virtues and judicial merit, that one of the first acts of the restored government was to appoint him Chief Baron; the pleasure of the Crown being thus notified by Lord Clarendon—'If the King could have found an honester or an

'abler man for the employment, he would not have advanced 'you to it. He prefers you, because he knows no one who so 'well deserves it.'

In the olden time, it was not decent to be made a Bishop without a struggle, and Speakers were invariably forced into the chair. We are not aware whether Judges were expected to go through the same farce, but, considering that Hale had already acted as a Judge for several years, some of the reasons he drew up on this occasion for his unwillingness to accept the dignity, savour somewhat of undue refinement or affected humility. They were twelve in number; and one is, that having had the perusal of most of the considerable titles and questions in law then on foot in England, 'it is not so fit for me, that am pre-engaged in 'opinion, to have these cases fall under my judgment as a judge,'—an argument which would disqualify all men in large practice, and render, for example, the appointment of the present Chief-Justice of the Common Pleas, generally esteemed the very best that could have been made, decidedly the worst. But what induces us to think that a certain degree of self-abasement was conventional and expected, is the conclusion; where he prays, 'that if he must take something, it may be the lowest place that 'may be, that I may avoid envy—one of his Majesty's counsel 'in ordinary,* or, at most, the place of a puisne Judge in the 'Common Pleas, would suit me best.'

He also objects on the score of poverty, 'my estate not being 'above L.500 per annum, six children unprovided for, and a 'debt of L 1000 lying upon me.' The salaries of the judges were then very low, not exceeding two or three hundred a-year, and the chief emoluments consisted of fees and places out of which a family might be provided for.

Hale carried his scruples regarding presents to an extent which has exposed him to ridicule from some, and to the imputation of pharisaical uprightness from others. Thus, the Dean and Chapter of Salisbury having a case to try before him on the western circuit, he insisted on being allowed to pay for the six sugar-loaves which, according to long-established custom, they presented to him. With more apparent rea-

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* Hale was already a Sergeant, but at this period the Crown Counsel were almost exclusively taken from among the Sergeants, which has caused some misapprehension as to the antiquity of the rank. Lord Campbell states that Egerton (Lord Ellesmere) was made Queen's Counsel at a period antecedent to the nomination of Bacon, who has commonly been deemed the first.

son, he followed the same course as to a buck sent him by a litigant, who, it is said, on learning the reception of his venison, immediately withdrew the record. Unless this also was a prescriptive donation from one of the parks which, time immemorial, have contributed their quota of haunches to circuit festivity, we do not understand how the most carping adversary can make Hale's refusal the foundation of a doubt. As was fully explained in a well-known Article on Bacon in this Journal, the acceptance of bribes, under the shape of presents, was common, just as fornication and adultery were common after the Restoration, but never otherwise than as a thing which was disapproved and discountenanced by all good men; nay, which revolted even the public opinion of a very corrupt age; or how is the indignant cry raised by the first exposure of Bacon's malversations to be accounted for? Besides, Sir Thomas More had set the example of refusing presents in the early part of the preceding century; and when the paramount importance of preserving the judicial ermine pure from the taint of suspicion is considered, all thinking men will assuredly agree, that, if Hale erred at all, he erred on the right side.

We believe the practice of *etrennes* has been formally abolished in France; but a practice equally blameable still exists there. It is usual for the litigant, male or female, to have a private interview with the President of the court in which the suit is pending; and, on these occasions, every art of solicitation may be employed. An English nobleman, not long ago, neglected this ceremony, and lost his cause in the first instance. He paid the expected compliment prior to the hearing in the appeal court, and gained his cause. We ourselves happened to be present, when a young and very pretty woman, who was suing for a separation, returned from her audience. She was quite radiant at the result, and ran in exclaiming, *Tout va bien; le President était charmant pour moi!* There may be nothing in such things, but they give rise to odd suspicions at the best; and justice should be like Cæsar's wife; though, by the way, it is far from clear that Cæsar's wife was estimated at her present value by her cotemporaries.

It seems that the practice of personally soliciting the Judge prevailed to some extent in England in Hale's time; for a nobleman of ducal rank was so incensed at his refusal to give a private audience, as to make formal mention of it to the king, who replied, 'Oddsfish, man! I verily believe he would have 'used me no better, had I gone to solicit him for one of my 'own causes.' Roger North, who labours hard on all occasions to depreciate Hale, asserts that he had an obvious leaning against

the rich and noble; and Dryden, in the preface to his Translation of Juvenal, says,—'I remember a saying of King Charles 'II. on Sir Matthew Hale (who was doubtless an uncorrupt 'and upright man), that his servants were sure to be cast on 'a trial which was heard before him; not that he thought 'the judge was possible to be bribed, but that his integrity 'might be too scrupulous, and that the causes of the crown 'were always suspicious, where the privileges of the subjects 'were concerned.' Here, again, we must take into account the all-pervading corruption of the times, and the general subserviency of the judges. An age that could tolerate Scroggs and Jeffries without a simultaneous outbreak of execration or disgust, might consistently sneer at Hale as a seeker of popularity.

He was made Chief-Justice of the King's Bench in 1671, and continued in this office until a few months before his death, which took place on December 25th, 1676; so that, including the period he sat as puisne Judge under the Protectorate, he was about twenty years upon the Bench. The only blot upon his career is the sentence of death he passed on two women for witchcraft in 1664. 'The fate of these victims,' says Mr Merivale, 'is, in Sir Matthew Hale's life, what that of André is in 'the life of Washington, and that of D'Enghien in the life of 'Buonaparte—the chapter to which the reader turns with most 'exultation, or with most regret, according as he is in the vein 'to depreciate or exalt the character of his subject.' Apologists commonly try to bring him off on the score of the prejudices of his age, but this is simply placing him on a level with the vulgar; for the monstrous injustice of punishing witchcraft, or pretended witchcraft, with death, was clearly recognised by all the enlightened portion of society. The truth, as suggested by Mr Merivale, seems to be, that the prejudice in question belonged rather to a sect than to the period; and that the principle of Hale's conduct may be found in his peculiar religious tenets. The witch-persecutions under Cromwell, and in New England, show the sectarian feeling on the point; and, so late as 1743, the repeal of the penal laws against witchcraft was denounced by the Presbytery in Edinburgh as a national sin. Hale made his judgment the subject of a written meditation, 'Concerning the mercy of God, in preserving us from the 'malice and power of Evil Angels;' and reflected with entire satisfaction on what he had done.

These follies of the wise, however, have their moral; and Hale was wise in the highest sense. His writings are full of wisdom, worldly as well as heavenly; his letters of advice to

his children are better than the best of Chesterfield's; and the piety evidenced by his meditations fairly merits the noble eulogy of Cowper:

> 'Such was thy wisdom, Newton, childlike sage!
> Sagacious reader of the works of God,
> And in his Word sagacious. Such, too, thine,
> Milton, whose genius had angelic wings,
> And fed on manna! And such thine, in whom
> Our British Themis gloried with just cause,
> Immortal Hale! for deep discernment praised,
> And sound integrity, not more than famed
> For sanctity of manners undefiled.'

There is no good Life of Somers, and such a life would belong more to general than legal history; for he owes the brightest part of his reputation to his having been the leading lawyer of the great party which brought about and consolidated the Revolution of 1688. His defence of the Bishops (who at first objected to him, he being then thirty-seven, on the score of youth and inexperience,) is the only forensic exploit by which he was much distinguished at the bar; and his judgment in the Bankers' case is the only decision by which he is remembered during his four years' Chancellorship. He expended more than a thousand pounds in collecting materials for this judgment; by which, after all, he lost rather than gained credit, having unluckily come into angry conflict with Holt. Somers, admitting that the Bankers had a right to their money, (compensation for the deposits seized by Charles the Second under the advice of the famous Cabal,) affirmed that they had no remedy. This, Holt answered, was nonsense; for, 'if they had lost one, they 'had lost the other; but an Englishman could lose neither but 'by his own default, which was not their case.'

Such is Lord Dartmouth's Report; who adds that 'Lord 'Somers' judgment being overruled, after a warm debate, he 'fell ill, and never appeared on the woolsack more.' The judgment of the Lords, right or wrong, was the result of party feeling; and Mr Townshend says, 'their lordships warmly 'cheered the Chief-Justice, during the delivery of his opinion, 'as if he had been addressing them on a popular question, 'and as a member of their House;' but there is no more truth in the notion that Somers was driven from the woolsack by Holt, than that the late Lord Ellenborough was killed by Hone. Somers had become unpopular from other causes, and William sacrificed him without scruple,—a weakness of which he is said to have sincerely repented towards the end of his life. The tributes to Somers, in prose and verse, by the best writers

of our Augustan age, would fill half a volume. Swift, after paying him one of the most graceful compliments on record,* tried to run him down, but the praise has outlived the satire; and there are few impartial historians who would not say with Lord Mahon, 'I know not where to find a more upright and 'unsullied character than Lord Somers.'

The memoir of Holt is one of the best in the collection; Mr Welsby has evidently bestowed more than ordinary care in the collection of materials for it, and he has acted most judiciously; for Holt is the Judge of all others of whom the English ought to know a great deal, yet know in fact next to nothing.

He was born in 1642, the son of Sir Thomas Holt, knight, of Oxfordshire, a bencher of Gray's Inn, and afterwards sergeant-at-law. The future Chief Justice was sent at the early age of sixteen to Oriel College, Oxford; but, instead of attending to his studies, he indulged in every sort of dissipation; and showed so little nicety in the choice of his associates, as to give plausibility to the well-known anecdote that, forty years afterwards, he recognised one of his former companions in a culprit under trial before him as a judge. He began asking the man what had become of such a one, &c., naming two or three in succession—'Ah, my lord, they are all hanged but myself and 'your lordship.' It will be remembered that men of far higher rank than Holt were then in the habit of carousing with fellows like Blood; and Buckingham's famous toast at his club of *Pendables* (as he called them) was not altogether an unmeaning jest—'May all of us that are not hanged in the 'interval, meet together here on the first Monday of next 'month!'

Another of Holt's youthful frolics led to more important consequences. During one of his rambles, he found himself at a small inn, without money. The daughter of the landlady was suffering from an ague fit, which had baffled the doctor; hearing which, Holt proposed to cure her by a talisman, and scribbling a few Greek words on a piece of parchment, desired it to be tied round the arm of the patient. Either faith or accident effected a cure, and the grateful

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* In the dedication of *The Tale of a Tub*, a work which Mr Cooksey claims for Somers himself. Mr Cooksey's *Life of Somers* is meagre and bad. The chapter on Somers in Mr Townshend's *History of the House of Commons* is ably written, but the career of such a man cannot be comprised in a chapter.

landlady of course declined payment of her bill. Forty years afterwards, a poor old woman was tried before him for witchcraft,—the overt act being the possession of a spell. The Chief Justice desired that the implement of mischief might be handed to him, and discovered, enveloped in bandages, the identical piece of parchment he had given to the landlady. 'The mystery was forthwith expounded to the jury; 'it agreed with the story previously told by the prisoner; the 'prisoner was instantly acquitted, her guest's long-standing 'debt discharged with interest, and, it is added, this incident 'came so opportunely to the discomfiture of ignorance and 'bigotry, as to put a final end to prosecutions for witchcraft in 'that part of the country.'

To avoid the necessity of recurring to the topic, we may add, that the general discredit into which prosecutions for witchcraft soon afterwards fell, is in a great measure attributable to Holt's uniform mode of dealing with them. Of eleven poor creatures tried before him for this supposed crime, not one was convicted; and on one occasion, he aided in turning the tables on a fellow named Hathaway, who had prosecuted an old woman for bewitching him. This so-called victim, among his pretended sufferings, attributed his dislike to food to the evil eye, and alleged that he had fasted a fortnight. One of his witnesses, a Dr Hamilton, was asked by the Chief Justice if he thought it possible for a man to fast a fortnight?—a hesitating or evasive answer was returned. 'Can all the devils in hell, sir, 'help him to fast so long?' 'Truly, my lord, I think not.'

This was in 1704. Mr Hathaway was convicted, and stood in the pillory; but twelve years later one Mrs Hicks and her daughter (nine years of age!) were hanged for selling their souls to the devil and raising a storm, by putting on their stockings inside-out and making a lather of soap!

Holt was called to the Bar in 1663, but did not emerge from obscurity for thirteen or fourteen years. From about 1676, however, till his elevation to the Bench, he was employed in almost every cause of importance. He was not famous for eloquence; and one distinguished litigant, Lord Macclesfield, against whom he was retained, thus characterized his speech. 'Mr 'Holt useth a multitude of words, but comes not to the merits 'of the cause, but touches it as an ass mumbles thistles.' It is difficult at all times to satisfy the taste of an adverse party, and this criticism was probably unjust; for Holt's style, judging from the recorded specimens, was sufficiently concise and to the point. He sat for Beeralston in the Revolution Parliament, and was

a member of the Committee appointed to confer with the Lords; but his legislatorial career was suddenly cut short in a manner to do him the highest honour.

The administration of justice under the two last of the Stuarts is the most disgraceful chapter of our history; but it is unjust to throw the blame on the Lawyers as a body; for so long as the Judges were liable to be displaced at the pleasure of the Crown, the matter of charge simply amounts to this—that a limited number of unprincipled men, able and willing to do the work of the prevailing faction, might be selected from the ranks of a large profession. William refused for some years to part with the power so fearfully abused by his predecessors; but his mode of filling up the vacated seats upon the Bench was such as to make his new subjects little anxious to wrest it from him. Each Privy Councillor was directed to bring a list of those he considered best qualified, and twelve new Judges were chosen upon due examination and comparison of the several lists. 'The first of these (says Burnet) was Sir John Holt, made Lord 'Chief Justice of England, then a young man for so high a post '(he was forty-seven); who maintained it all his time with a great 'reputation for capacity, integrity, courage, and great dispatch; 'so that, since the Lord Chief Justice Hale's time, that Bench 'has not been so well filled as it was by him.'

To illustrate the altered spirit in which justice was administered in that class of cases which best test the temper and impartiality of a judge, Mr Welsby has given an abridged account of the trials of Alderman Cornish in 1683, and Sir Richard Graham (made Lord Preston by James the Second) in 1790. The concluding expressions that fell from the prisoners are enough.

More than once the unfortunate Alderman, borne down by Jones and Levinz, cried out, 'Pray, my lords, do not be offended; my 'life will do you no good;' and when brought up to receive sentence, he thus vainly entreats their intercession with the King for mercy: 'I hope, when you come to reflect upon what hath 'been said to-day, that perhaps you will be of another mind, 'and have more charity than you had upon my trial.' He was executed four days afterwards.

Firmness and mildness were so happily blended in Holt's demeanour on such occasions, that the very prisoners bowed with scarcely a murmur before the majesty of justice. 'Inter-'rupt me as much as you please,' was his reply to one of Lord Preston's apologies for frequently interrupting him during the summing up, 'if I do not observe right: I assure you I will 'do you no wrong willingly.' 'No, my Lord,' said the prisoner, 'I see it well enough that your Lordship would not.'

Ashton, who was tried next, was reminded by the Chief Justice of an important part of the accusation. 'It seems material, and 'I would not have it forgot if you can answer it.' Ashton replied: 'I humbly thank your Lordship; and whatsoever my 'fate is, I cannot but own I have had a fair trial for my life; 'and I thank your Lordship for putting me in mind.'

At a period when the rules of practice were exceedingly loose, particularly as regards the admissibility of hearsay evidence, and the weight to be given to the evidence of accomplices, and when the Judges occasionally took upon themselves to interrogate the prisoner, much in the fashion of the modern French Judges, far more depended on the administration than on the strict letter of the law; and perhaps Mr Welsby does not go too far in saying that Holt's appointment originated, as his twenty years' continuance on the bench went far to confirm, the forbearing, humane, and considerate tone which has ever since characterised the proceedings in political prosecutions in this country. Such trials as those of Horne Tooke and Hone cannot fairly be regarded as contravening the principle; for in each of these, the accused party came prepared to show his contempt for the law, and eager to engage in personal conflict with the Judge.

Holt also led the way in a direction in which he has been nobly followed by the present Chief Justice of England. He confronted by turns both Lords and Commons, and sturdily maintained that no two, much less any one, of the three Estates of Parliament, could make law, or pass resolutions having the force of law. It was in connexion with the Banbury peerage case that the House of Peers came into collision with the Court of King's Bench. The claimant, being indicted as a Commoner, pleaded his Peerage. The Attorney-General alleged, by way of replication, a resolution of the Lords against the claim; and the Court gave judgment against the replication, on the ground that such a resolution could not be regarded as the judgment of a Court. Holt being summoned before a Committee of the Lords, and required to account for his judgment, replied, 'I acknow-'ledge the thing. There was such a plea, and such a repli-'cation. I gave my judgment according to my conscience. 'We are trusted with the law; we are to be protected and not 'arraigned, and are not to give reasons for our judgment; and, 'therefore, I desire to be excused from giving any.' When summoned before the House itself, he refused in pretty nearly the same terms, adding, 'I never heard of any such a thing 'demanded of any judge as to give reasons for his judgment.' There was some talk of committing him to the Tower, but it all ended in talk, and very small talk too.

In his well-known conflict with the House of Commons, he maintained the same principles; but we are afraid we must surrender as apocryphal the familiar anecdote, in which the Speaker is represented as carrying a message from the House to the Chief Justice, and receiving the following reply: 'Go back to your 'chair, Mr Speaker, within five minutes, or you may depend 'upon it I will send you to Newgate! You speak of *your* 'authority, but I tell you that I sit here as an interpreter of the 'laws and a distributor of justice; and were the whole House of 'Commons in your belly, I would not stir one foot.'

The authority of Holt's judgments in civil cases stands very high; and Mr Welsby says, he may be said to have sat by the cradle of our Commercial Law; but his opposition to the negotiability of promissory notes shows that he had little of the spirit of an innovator, even when the innovation was sanctioned by the growing wants and increasing relations of social life. 'I 'am of opinion,' he said, in his blunt downright manner, 'and 'always was, notwithstanding the noise and cry that it is the 'use of Lombard Street, as if the contrary opinion would blow 'up Lombard Street, that the acceptance of such a note is not 'actual payment.'

An amusing specimen of his humour is given by Mr Welsby. One of the leaders of a fanatical sect, called the French Prophets, having been committed for seditious language, another of the fraternity, named Lacy, called on the Chief Justice, and desired the servant to say that he must see him, for he came from the Lord God. On being admitted, he said, 'I come from the 'Lord, who has sent me to thee, and would have thee grant a '*nolle prosequi* for John Atkins, his servant, whom thou hast 'sent to prison.' 'Thou art a false prophet and a lying knave,' said the Chief Justice, 'for if the Lord had sent thee, it would 'have been to the Attorney-General, for he knows it is not 'in my power to grant a *nolle prosequi;* but I can grant a war-'rant to commit thee to bear him company'—which he did forthwith.

The career of Philip Yorke, the first Earl of Hardwicke, was a very remarkable one. He was the son of an Attorney at Dover, and received his legal education in the office of an Attorney named Salkeld; who, by a strange coincidence, had for clerks or pupils about the same period, Jocelyn, afterwards Lord Chancellor of Ireland; Parker, Chief Baron; and Strange, Master of the Rolls. It was not, however, to his Attorney connexion but to a friendship formed in the Temple Hall with a son of Lord Macclesfield, that Yorke owed his singularly rapid rise. Lord Macclesfield, then Chief Justice, took so immediate and marked an

interest in his son's friend, that all who wished to pay court to the patron, hastened to throw business in the way of the *protégé;* and it was soon discovered that the best mode of influencing the not over-scrupulous Chief in favour of a suitor, was to give a brief to Mr Yorke. Four years after his call to the bar, (1719,) Lord Macclesfield became Lord Chancellor; and one of the first uses he made of his political influence, was to procure his young friend a seat in parliament. In 1720, Mr Yorke, being then of five years' standing at the bar, was made Solicitor General; in 1724, Attorney General; in 1733, Lord Chief Justice with a peerage; and in 1739, Lord Chancellor.

He was extremely reluctant to exchange his safe seat in the Court of King's Bench for the dangerous elevation of the Woolsack; and the manner in which he was at length induced to do so, by Sir Robert Walpole, is characteristic of them both. Finding all other topics of persuasion ineffective, the Minister tried what could be done by working on a known weakness of the Judge, his jealousy. He was peculiarly jealous of Mr Fazakerly, an eminent Chancery Barrister; and Sir Robert told him that, in case of his refusal, the Great Seal would be offered to this gentleman. Lord Hardwicke represented that Fazakerly was an avowed Tory and strongly suspected of Jacobitism. 'I am well aware of that,' said Sir Robert; 'but if by one o'clock (laying his watch upon the table) 'you have not accepted my offer, Fazakerly shall be Lord 'Keeper of the Great Seal and one of the stanchest Whigs in 'England.'

Lord Hardwicke held the Chancellorship nearly twenty years, and the high place he retains in public and professional estimation rests on his judgments as an equity Judge. It was he who laid the foundations of our present system of equity jurisprudence, or at any rate so far extended and strengthened them, as to be more frequently referred to as an authority for its leading doctrines, than any other holder of the Great Seal before or since. He is not thought to have shone as a politican, and his conduct was not uniformly guided by elevated motives; but he was assuredly a great and wise magistrate, and if he is not named with the L'Hopitals and Daguesseaus, this is mainly owing to the technical character of English equity; and it is worthy of observation, that one of the popular (though unfounded) objections to his decrees was, that he was constantly striving to base them exclusively on the foundations of pure reason.

Lord Mansfield is, or ought to be, the pattern lawyer; for no man ever combined a greater number of qualities and accomplishments calculated to reflect lustre on a profession;—the friend of

Pope, the rival of Chatham, the founder of the most philosophical and symmetrical part of our jurisprudence, and the fearless magistrate who hushed the storms of faction at their loudest, by the calm dignity of his bearing.

The Honourable William Murray, a younger son of Viscount Stormont, was born in Scotland; but England is entitled to the whole honour of his education and career. He was educated at Westminster and Christ Church, and distinguished himself at both. As a lawyer, he was self-taught; and the plan of study he afterwards prescribed for others, and probably pursued himself, was of the most comprehensive sort:

'The first preparation (says his biographer) suggested for the study of the law is a general course of historical reading. This necessary information being obtained, the legal student is recommended to gain a general insight into the science of ethics, which, as Murray justly observes, is the foundation of all law. From ethics, the next step is to the law of nations, which he correctly describes as being partly founded on the law of nature, and partly positive. When this foundation is laid, it will be time, he says, to look into systems of positive law; and he mentions it as a thing of course, that the Roman laws will be the first to claim attention. It will afterwards be necessary to obtain a general idea of the feudal system, for which purpose Craig *De Feudis* is proposed as an admirable book for matter and method.' 'Dip occasionally,' he adds, 'into the *Corpus Juris Feudalis*, while you are reading Giannone's *History of Naples*, one of the ablest and most instructive books that ever was written. These writers are not sufficient to give you a thorough knowledge of the subjects they treat of; but they will give you general notions, general leading principles, and lay the best foundation that can be laid for the study of any municipal law, such as the law of England, Scotland, France,' &c.

The late Lord Abinger entertained the same opinion as to the importance of beginning with ethics. A course of study marked out by him for a Temple student begins thus:—'*Cicero de Officiis:* once, twice, three times; once every year.' So many excellent books have been written since Lord Mansfield's noviciate, that of course his advice only holds good as to the expediency of beginning with principles and history: 'The different gradations' (continues the biographer) 'from one 'subject to another are placed, so to speak, in a descending 'direction. The student gains a lofty eminence in the first in-'stance, and his whole after progress is made with the ease of a 'traveller journeying down hill. If the study of the law were 'always entered upon in this manner, we should not so com-'monly hear of its revolting abstruseness, nor should we be able 'to quote so many examples as are now to be found, of men

'neither deficient in talent nor perseverance, who have pursued 'it with reluctance, or quitted it with disgust.' This writer adds some excellent arguments to prove how much more easily knowledge is retained and recalled, when acquired in this manner; but the bare fact of Lord Mansfield's success will go further to recommend his system than the best reasons or the soundest theories. He sedulously attended a debating club, but did not become a pupil to a special pleader or barrister in actual practice. Oratory had been his favourite pursuit at the University, and the method he pursued was to translate the masterpieces of ancient oratory, and then translate his own version back into the original tongue.

These details may be useful in connexion with what we may presently have to say on the subject of legal education; but our limits do not allow of our proceeding with the same minuteness to specify the other particulars of Lord Mansfield's early life. His success was almost immediate; for (as we formerly explained) there is no foundation for the current story that he was first brought into celebrity by the case of Cibber *v.* Sloper. In those days, however, as we have seen in the instance of Lord Hardwicke, promotion depended much more on interest than on proved merit; and Murray's appointment as Solicitor General in 1741 is generally attributed to the influence of his father-in-law, Lord Winchilsea, then First Lord of the Admiralty. From this period, until his elevation to the Bench in 1756, he became the principal organ of his party in the House of Commons, and was considered the only parliamentary speaker capable of encountering Pitt otherwise than at a disadvantage. 'They alone' (says Lord Chesterfield) 'can 'inflame or quiet the House: they alone are attended to in 'that numerous and noisy assembly, that you might hear a pin 'fall while either of them is speaking.' He was even named as the fittest person to succeed Mr Pelham as Prime Minister; but his habitual caution checked his aspirations, and he remained faithful to his profession, uniformly declaring that he looked to it alone for preferment.

In 1754, he became Attorney General; and, in July 1756, Sir Dudley Ryder, the Chief Justice of the King's Bench, died. Murray's claim was incontestible, but to lose him in the House of Commons would be the ruin of the Ministry. The loss of Minorca was to be brought forward in the ensuing session, and no one but Murray could parry the blow. Horace Walpole says that the Duke of Newcastle bid up as high as L.7000 a-year in pensions to induce the Attorney-General to retain his seat in the House of Commons for a

month, a week, nay even for one day. Murray was inexorable. The Chief Justiceship, with a Peerage, was the grand object of all his wishes; and at length the ministry were told that nothing would be gained by denying or evading his claim, as in any contingency they would have to provide themselves with a new Attorney General. They then gave way, conferred the appointment and the peerage, and resigned; thus paying him the very highest compliment that was ever paid to a law-officer. The Chancellorship was twice offered to Lord Mansfield in the course of the next two years, and once at a later period, (1770); but fortunately for his country and his fame, he wanted the venturesome spirit which leads some men to place all on the hazard of a die; and he devoted the remainder of his long life to proving how well he had chosen his vocation, and how accurate was his own estimate of his powers.

The influence exercised by the Chief Justice of England at any period over the administration of justice and the tone of professional feeling, is necessarily very great; but in the peculiar condition of English law and practice when Lord Mansfield was appointed, it is hardly too much to say that the whole system must have fallen into confusion but for the fortuitous arrival of a master-mind to grapple with it. Men were just beginning to find out that the existing rules and forms were too few or too narrow to keep pace with the demands of justice and the actual concerns of the world; yet the greatest mischief might result by incautiously or unskilfully enlarging or superseding them. We have seen Holt setting the authority of Lombard Street at nought—and he was right not to allow any loose understanding among merchants or bankers to interfere with the fundamental principles of the common law; but promissory notes, when he refused to recognise their negotiability, were in point of fact negotiable to an extent that made his decision tantamount to a denial of justice, or a declaration that society had outgrown our institutions. Lord Hardwicke took an equally objectionable course; he decided the new case indeed, but decided it on all the circumstances put together, so that the decision was useless as a precedent. The course followed by Lord Mansfield is thus mentioned by Mr Justice Buller, the best possible authority on such a subject:

'Within these thirty years (he is speaking in 1787) the commercial law of this country has taken a very different turn from what it did before. Prior to that period we find that, in courts of law, all the evidence in mercantile cases was thrown together: they were left generally to a jury, and they produced no general principle. From that time, we all know, the great study has been to find some certain

general principle which shall be known to all mankind, not only to rule the particular case then under consideration, but to serve as a guide for the future. Most of us have heard these principles stated, reasoned upon, enlarged, and explained, till we have been lost in admiration at the strength and stretch of the understanding. And I should be very sorry to find myself under a necessity of differing from any case upon this subject which has been decided by Lord Mansfield, who may be truly said to be the founder of the commercial law of this country.' *

It was not in commercial law only that Lord Mansfield found himself obliged to correct, enlarge, and purify. English law is emphatically a law of reason; a slight degree of unreasonableness may not justify the reversal of an established practice or series of decisions; but, in theory, a Judge is always bound to go to the fountain-head of principle. The English Court of Exchequer, for example, has been for many years mostly guided by two or three Judges of extraordinary mental vigour, acuteness, and learning. The moment a point is stated, it is turned and twisted, and placed in all possible lights; the moment an authority is quoted, it is criticised, analysed, and compared: there is little or no respect for names or persons; and it is useless to show that Lord Kenyon or Lord Ellenborough said or thought so and so, unless it can also be shown that Lord Kenyon or Lord Ellenborough said or thought right. The Judges in question have certainly done good service in purifying our jurisprudence from a great quantity of dross, but they have sadly scandalised the old school, and made it very difficult for any but a man of their own class of mind (and such men are rare) to predicate a judgment—in other words, to give a confident opinion to a client.

It is fortunate for them, therefore, that they live in times when their principles are understood and appreciated, for Lord Mansfield could hardly take a step in the same direction without bringing a nest of hornets about his ears. 'Instead of those positive 'rules (says Junius) by which the judgments of a court of law 'should invariably be determined, you have fondly introduced 'your own unsettled notions of equity and substantial justice. De-'cisions given upon such principles do not alarm the public as 'much as they ought, because the consequence and tendency of 'each particular instance is not observed or regarded. In the mean-'time the practice gains ground, the Court of King's Bench be-'comes a Court of Equity, and the judge, instead of consulting the

* Lickbarrow v. Mason, 2 T. R., 63.

'law of the land, refers only to the wisdom of the court, and the 'purity of his own conscience.'

It is amusing to turn to the cases which called forth such diatribes. In one (Hart *v.* Weston) it was objected that, according to the recital in the declaration, the writ appeared to have been issued in vacation instead of term, and Lord Mansfield called it an odious objection. In another (the King *v.* Mayor of Carmarthen) a swearing in, under a *mandamus*, having been alleged on a wrong day, Lord Mansfield refused to allow justice to be defeated by the mistake, saying—'General rules are wisely 'established for attaining justice with ease, certainty, and dis-'patch. But the great end of them being to do justice, the court 'are to see that it be really attained.'

Another of Junius' topics was Lord Mansfield's supposed preference for the Civil Law—'The Roman code, the law of 'nations, and the opinion of foreign civilians, are your perpetual 'theme; but who ever heard you mention Magna Charta, or the 'Bill of Rights, with approbation or respect?' The fairer question was, whether he ever mentioned them with disapprobation or disrespect. That he should occasionally apply to the civil law in the formation of the new system, was to be expected. The wonder would be, if he had not.

Lord Mansfield's political opinions leant to the side of prerogative; and, perhaps, he took rather more interest in affairs of government than suited well with his position as a Judge. It was he who set the dangerous example, afterwards followed by Lord Ellenborough, of the Chief Justice of England sitting in the Cabinet. The inevitable consequence was, that he was suspected of partiality whenever party questions were at issue in his court. On one such occasion the populace were highly excited, and attempts were made to intimidate him. We allude to the argument regarding Wilkes' outlawry, in 1768. It was in giving judgment in this case that Lord Mansfield spoke one of the most beautiful pieces of judicial oratory in the language. We will quote a few passages:

'I pass over the many anonymous letters I have received. Those in print are public, and some of them have been brought judicially before the Court. Whoever the writers are, they take the wrong way. I will do my duty unawed—what have I to fear? That *mendax infamia* from the press, which daily coins false facts and false motives? The lies of calumny carry no terror to me. I trust that my temper of mind, and the colour and conduct of my life, have given me a suit of armour against their arrows. If during this king's reign I have ever supported his government, and assisted his measures, I have done it without any other reward than the consciousness of doing what I thought right. If I have

ever opposed, I have done it upon the points themselves; without mixing in party or faction, and without any collateral views. I honour the king, and respect the people: but many things acquired by the favour of either, are, in my account, objects not worth ambition. I wish popularity, but it is that popularity which follows not that which is run after; it is that popularity which, sooner or later, never fails to do justice to the pursuit of noble ends by noble means. I will not do that which my conscience tells me is wrong upon this occasion, to gain the huzzas of thousands, or the dirty praise of all the papers that come from the press. I will not avoid doing what I think is right, though it should draw on me the whole artillery of libels; all that falsehood and malice can invent, or the credulity of a deluded populace can swallow. I can say, with a great magistrate, upon one occasion, and under circumstances not unlike—"Ego hoc animo semper fui, ut invidiam virtute partam, gloriam non invidiam putarem."

'The threats go further than abuse; personal violence has been denounced. I do not believe it: it is not the genius of the worst of men of this country in the worst of times. But I have set my mind at rest. The last end that can happen to any man never comes too soon if he falls in support of the law and liberty of his country, (for liberty is synonymous to law and government.) Such a shock, too, might be productive of public good; it might awaken the better part of the kingdom out of that lethargy which seems to have benumbed them; and bring the mad part back to their senses, as men intoxicated are sometimes stunned into sobriety.'

His house in Bloomsbury Square was sacked by the mob during the No-Popery riots of 1780, and all his books and manuscripts were destroyed.

'And Murray sighs o'er Pope and Swift,
And many a treasure more;
The well-judged purchase and the gift
That graced his letter'd store.

'Their pages mangled, burnt, and torn,
Their loss was his alone;
But ages yet to come shall mourn
The burning of his own.'

'I speak not from books,' he said afterwards in the House of Lords, 'for books, alas! I have none.' He resigned on the 4th of June 1788, having ceased to attend his Court from weakness after Michaelmas Term. He was then in his eighty-sixth year, and had presided in the Court of King's Bench nearly thirty-two years, a longer period than any other judge ever continued on the Bench. Lord Mansfield used all his interest to get Buller named as his successor, but the appointment was conferred on Kenyon. Thurlow was the Chancellor, and is reported to have said—'I hesitated long between the corruption of Buller, and

'the intemperance of Kenyon.' But it was generally believed that the Premier's (the second Pitt's) knowledge or strong suspicion of the corruption of Buller, acquired on the western circuit, cast the balance, and permanently degraded into a legal luminary of the second order, one possessed of every intellectual requisite for occupying a brilliant position in the first.

Lord Camden owes his fame, at least all the popular part of it, to his judgment against General Warrants, and to his having fought side by side with Chatham for the great doctrines of political liberty. Considered merely as a lawyer, he would rank after more than one Judge whom we have excluded from our list of worthies. But he had many of the elements of greatness, and far excelled Lord Mansfield in the *vis vivida*, the fervid enthusiasm, the proud self-reliance, which befit the orator in troubled times. His rise was very slow, and he was on the point of retiring on a college living, when he was brought into notice by an accident. So soon as he had obtained practice, however, he was pushed on by his political friends with unprecedented rapidity; being made Attorney General by Pitt over the head of the Solicitor General, no less a person than the admired Charles Yorke. He became Chief Justice of the Common Pleas in 1761, on the death of Willes, and it was in this capacity that he so eminently distinguished himself as a constitutional judge. His decisions in the actions which grew out of the proceedings against Wilkes, made him so famous, that Horace Walpole says he thereby became one of the *lions* whom foreigners visiting London most wished to see. It was in compliance probably with the popular admiration that his first peerage was conferred upon him, whilst still in the Common Pleas.

Lord Camden first ascended the woolsack, as a member of Lord Chatham's motley administration, so inimitably described by Burke. He found it impossible to remain long on it without sacrificing all his cherished notions of freedom, and his popularity along with them; but instead of resigning, he acted as Thurlow acted at a later period. He came down to the House, and vehemently denounced the measures of his colleagues, who were thus driven to the invidious necessity of superseding him. 'After the dismissal of the present worthy Chancellor,' exclaimed Lord Shelburne, 'the seals will go a begging; for I hope there 'will not be found in the kingdom a wretch so base and mean-'spirited, as to accept them on the conditions on which they must 'be offered.' Such a wretch was found in Charles Yorke, who atoned for the meanness, if it was one, with his life.

Lord Camden's decrees are respected by the profession,

and his manner of delivery gave them additional weight at the time. The late Mr Charles Butler says: 'I distinctly re-'member Lord Camden's presiding in the Court of Chancery. 'His lordship's judicial eloquence was of the colloquial kind— 'extremely simple, diffuse, but not desultory. He introduced 'legal idioms frequently, and always with a pleasing and great 'effect. Sometimes he rose to the sublime strains of eloquence, 'but the sublimity was altogether in the sentiment; the diction 'retained its simplicity—this increased the effect.'

His famous speech on Copyright is the best specimen of his peculiar style of declamation:—'Glory is the reward of science, 'and those who deserve it scorn all meaner views. I speak not 'of the scribblers for bread who tease the world with their 'wretched productions; fourteen years is too long a period for 'their perishable trash. It was not for gain that Bacon, New-'ton, Milton, Locke, instructed and delighted the world. . . 'When the bookseller offered Milton five pounds for his *Para-'dise Lost*, he did not reject it and commit his poem to the 'flames, nor did he accept the miserable pittance as the reward 'of his labours; he knew that the real price of his work was 'immortality, and that posterity would pay it.'

This is tacitly assuming that the first-rate works of genius, of which we get at most two or three in a century, are the only works which contribute to the improvement and rational gratification of mankind; and it is far from clear that all of these (Shakspeare's plays, for example) were written for fame. But may not the same argument be employed the next time a pension is proposed for a General or Admiral?—'Glory is the reward of 'skill and valour, and those who deserve it scorn all meaner 'views. It was not for gain that Marlborough and Wellington 'led armies and gained victories, though they condescended to 'accept Blenheim and Strathfieldsaye.'

Blackstone must stand or fall by his 'Commentaries;' and his Commentaries are standing yet, despite of the undermining effects of legislation, and in defiance of the repeated attacks of the philosophical school of jurists, beginning with Bentham, and ending with Mr John Austin; who (in the truly admirable Outline he drew up previously to entering on his professorial duties at the London University) impugns the doctrines, and very freely criticises both the arrangement and the style. But it has been justly observed, that there is hardly a master's mate in the British Navy who could not point out defects in Columbus' theory of navigation or errors in his course; and the great Commentator was the Columbus of English law; nor was a bolder scheme ever conceived than that of first navigating the

whole of such a sea, and then laying it down, with all its creeks and inlets, in a chart.

An ingenious biographer refers the durability of Blackstone's reputation to the peculiar inspiration under which his work was composed. Lord Byron drank gin and water (and no small quantity of it) whilst he was writing Don Juan: Blackstone wrote the Commentaries with his inkstand on one side of his paper and a bottle of port on the other.

As we approach nearer to our own time, it may be taken for granted that the general outline (which is all we could attempt) of a celebrated man's career is known; and characters, from a well-known pen, of Lord Stowell, Erskine, and Romilly, our three remaining worthies, recently appeared in this Journal.

Yet we regret extremely to be obliged to discontinue our sketches at the precise period, dating from which we should have to draw on Mr Townshend for our principal materials—his anecdotes being incomparably the most valuable and the most original that have yet appeared, relating to the eminent personages of whom he speaks. He has also cleared up many curious and embarrassing passages in cotemporary history; and the tone of his composition is uniformly so classical and gentlemanlike, that we willingly pardon a little occasional floridity of style. Admirably, for example, has he expressed the traditional feelings of the Bar regarding Erskine; and it is no more than fair to make known for what combination of qualities the very highest meed of enthusiastic admiration is bestowed by them:

'The votive urn of friendship will record the social merits of the festive companion, ready patron, thorough gentleman—full of generous impulses and honourable feelings—in whose genial character not a shade of pride, or envy, or malice could rest, and in whose courtesy to all ranks of the profession there was no alloy. Rightly do the Bar adore his memory, for generations of lawyers may pass away ere they see his like again. The statue raised to his honour in Lincoln's Inn Hall, the bust dedicated in Holland House, with a just inscription, "nostræ eloquentiæ facile princeps," will sooner perish than the tradition of *their* fondness, and of *his* supremacy. But more enduring still, and lasting as the language in which they are printed, will be the monuments of his eloquence and relics of his power as an advocate. Long as the trial by jury shall exist, will the spells of the great magician be studied with care and admiration, but with little hope of rivalry, for his wand is broken, and its fragments lie scattered on his grave. Jurors might say to Erskine, as his admirers said to Sir Phillip Sydney, "we listen, it is true, to others, but we give up our hearts to thee."'—(Vol. ii. p. 144.)

Mr Townshend's Life of Lord Ellenborough has induced us

more than once to doubt, whether we have done quite right in excluding that very eminent Judge from our list of first-class worthies; and if a place among them depended on intellectual energy, grasp, or comprehensiveness—or could be won by learning, courage, firmness, manliness, and that genuine English humour which is rarely found in company with low or mean feelings and almost always in company with good sense—we should be wrong. But, on principles already stated, we are obliged to require some action or production of a lasting character—something standing like a landmark in the progress of society; and Lord Ellenborough (perhaps from not coming at the right period, like the Miltons and Hampdens in Gray's 'Elegy') has left nothing of the kind; whilst his warmest admirers must admit, that the depth and strength of his political convictions, combined with his constitutional vehemence of manner, may well justify some reluctance to recognise him as the model of a Chief Magistrate, or place him quite on the same level with Holt; to whom, in many respects, he bore a marked resemblance.

We are now at liberty to turn from the past glories and illustrations, to the present state and future prospects, of the profession. Will it retain the influence it has hitherto exercised? Will it produce new Cokes and Hales, or new Murrays and Blackstones, to astound by their learning, inspire veneration by their integrity, charm listening senates by their eloquence, or weave into an harmonious whole the multifarious enactments of the legislature, and the scattered decisions of the courts? Alas! a glance at the existing state of things will show that the system is already tottering to its fall; that powerful causes of dissolution, internal and external, are at work; and that it will require a decided and simultaneous effort on the part of its natural defenders, the judges and the bar, to postpone, much more avert, the catastrophe. To make this clear, we have only to look back and see how that system has hitherto been held together and maintained.

Whatever merit English Jurisprudence may possess in a scientific point of view, is owing to the centralization of the Courts, 'which has been able to maintain (says a celebrated 'continental jurist) that famous common-law to which all the 'English jurists appeal, and which, without existing any where, 'without being deposited in any collection, has directed with 'unvarying firmness, on all the great points of civil right, the 'decisions of the English courts for many centuries.' *

* Meyer, *Des Institutions Judiciaires.*

This was in a great measure true at one period, but the notion of uniformity has long ceased to be more than a legal fiction; and the changes of the last ten years, legislative and judicial, have completely severed the connecting links; and converted the working operating law of England into little better than a huge bundle of positive rules and doctrines, computed by the late Professor Park at two millions and a half. The clue or master-key of scientific deduction has become nearly useless; and the only available substitute is that 'legal comprehension' which Blackstone mentions as the best result of a well-directed course of study, or a thorough grounding in the principles of jurisprudence. The time is fast coming, when attendance on a Course of Lectures on General Jurisprudence will be thought as indispensable as a year spent in the chambers of a special-pleader, conveyancer, or equity draftsman; and Justinian's Institutes be more useful to the practitioner than Coke's.

There is another equally striking and little less important change in progress,—the change in the constitution and tone of the English Bar, consequent on their increased numbers. Formerly, they had a public opinion of their own, which was respected by each individual member: this has been gradually growing weaker and weaker; within a short period they will have little or none at all; and they have no *conseil de discipline*, or corresponding authority, to fall back upon.

Let us not be deemed fanciful, or hastily accused of overvaluing our own pursuits, if we venture to point out a third principle of deterioration, less obvious, but not less certainly at work. It was suggested to us by the following passage in the 'Life of Lord Mansfield;' and the details are curious, independently of the application we propose to make of them:

'The neighbourhood of the Inns of Court was the chosen head-quarters of men of letters, and also, indeed, of men of fashion, who were almost universally anxious to cultivate their society. Steele dates all the papers of his "Tatler," that have reference to literary discussion, from either Will's coffeehouse or the Grecian; the former being frequented by such as interested themselves chiefly in poetry and the lighter departments of the belles-lettres; the latter by those whose conversation turned principally on subjects of classic learning. Will's (as well as Button's, which in Murray's time was still more frequented) was in Russell Street, Covent-Garden, within a few minutes' walk of Lincoln's-Inn; the Grecian was at the very gate of the Temple. Our readers will probably not require to be reminded, that Dick's and Serle's, and several other coffeehouses of the same character, formed a cluster about the inns of court; nor that the well-known shop of Bernard Lintot, the bookseller, which was the constant morning lounge of literary men, was situated between the Temple gates, in Fleet Street. We are

not certain whether old Jacob Tonson, Dryden's publisher, still remained at the Judge's Head in Chancery-lane, or whether he had then vacated this shop in favour of the Shakspeare's Head, over against Catharine Street, in the Strand. At all events, the headquarters of literature may be said to have had Temple-Bar for their nucleus. In Lincoln's-Inn-Fields, too, stood the theatre; and a theatre was then a place of amusement of a far higher character than it has been of late years.'

There can be little doubt that this enforced proximity exercised a good as well as an evil influence; in other words, that the same taste for literature and the drama, which may have induced some to neglect their graver studies, largely contributed, in others, to expand the mind, refine the manners, and counteract the bad habits of the bar. Murray, Wedderburne, Dunning, Thurlow, and Erskine, lived familiarly with the wits; and (to take our examples from among graver characters) it appears from the early lives of Sir Samuel Romilly and Sir Samuel Shepherd, that both deemed it a duty to blend literary and political with legal studies. The late Lord Grenville must have been thinking of the survivors of this school, when he said, that he liked dining in company with lawyers, because he then felt sure that some good topic would be rationally discussed. We will not say that he would be always disappointed now; but the chances would be against him, if his parties were made up of the lawyers in leading practice; and a week's attendance in Westminster Hall would certainly leave a very disadvantageous impression of the taste and cultivation of the Bar. They themselves cannot help seeing that the profession is rapidly declining in public estimation, and that every opportunity of depreciating it is eagerly caught at.

How, then, are these changes to be counteracted? In what manner are these new and hourly increasing difficulties to be met? The public have a deep interest in the question; for a greater curse cannot be inflicted on any country than a class of practitioners declining in knowledge and consideration, at the precise period when the law, written or unwritten, is becoming unwieldy and unmanageable from multiplicity. Local Courts, whatever their counterbalancing advantages, cannot fail to accelerate the downward progress of the profession, and destroy all uniformity that does not result from principle.

It is therefore highly to the credit of Mr Wyse, the Member for Waterford, to have been the first to call the attention of the legislature to the long-neglected subject of Legal Education; and the bar ought to be grateful to Mr Bethell, the eminent Chancery barrister, for enabling them to say that they were not entirely blind to their own deficiencies in this respect; though,

we fear, his enlightened exertions would not have met with much co-operation beyond the precincts of his own Inn (the Middle Temple), but for certain appearances in the horizon which indicated a storm.

From the evidence taken by Mr Wyse's Committee, it appears that Law Degrees at Oxford and Cambridge are conferred, without any examination, on graduates in other faculties; and that the Law Lectures are so little encouraged, that Law can hardly be deemed a recognised object of study in either. The University of London requires an Examination, but a comparatively small number of students intended for the bar, the magistracy, or the legislature, are educated there. At the Inns of Court there has been, for more than a century, little or nothing that deserves the name of public teaching; and almost any one may become a barrister by eating a certain number of dinners, and paying a certain number of fees. The utmost that can be expected from the Universities is, that they will encourage the study of the elementary parts of jurisprudence; and it seems clear that, unless the Inns of Court can be brought to act up to the spirit of their original institution, a new Law-School must be founded, with funds to be furnished by the state. It is therefore highly important to look a little into the early history of these societies, so as to ascertain, if possible, their constitution and resources; for otherwise it will be impossible to determine how much can fairly be expected from them. The inquiry will prove neither unamusing nor uninstructive, as regards the manners and modes of thinking of our ancestors.

The origin of the Inns of Court is involved in some obscurity. Blackstone says that the Professors and Students of the common law were brought together by the establishment of the Courts at Westminster, shortly after the passing of Magna Charta. 'In consequence of this lucky assemblance (he adds), they 'naturally fell into a kind of collegiate order, and being ex-'cluded from Oxford and Cambridge (where the canon and civil 'law were exclusively taught), found it necessary to establish a 'new university of their own. Here exercises were performed, 'lectures read, *and degrees were at length conferred in the common 'law*, as at other universities, in the canon and civil.'*

* *Comm. Ch.* 1.—Their degrees have been recognised both in courts of justice and by the legislature. Thus, among the persons required to take the oath of supremacy, we find, 'all manner of person and persons that have taken, or hereafter shall take, any degree of learning in or at the Common Law of this realm, as well utterbarristers as benchers,' &c.—(5 *Eliz. c.* 1.)

Fortescue says, that, in the best-frequented of these Inns, there were about two hundred students. 'In their greater 'Inns, a student cannot well be maintained under L.28 a-year '(equivalent to L.400 or L.500 a-year of our money.) The 'students are sons of persons of quality, those of an inferior 'rank not being able to bear the expense of maintaining and 'educating their children there; so that there is scarce to be found 'throughout the kingdom, one who is not a gentleman by birth 'and fortune; consequently, they have a greater regard for 'their character and honour than those who are bred in another 'way.' So late as 1601, an order was made, in obedience to a royal mandate communicated through the Judges, 'that none 'should be admitted into the society of any Inn of Court, that is 'not a gentleman by descent;' and, at this period, the Inns had certainly ceased to be places of general education; at all events, a complete system of Legal Education, in which all were obliged to take part, was established in them. The inference is, not only that the profession was then highly aristocratic, but that some acquaintance with the laws of his country was deemed an indispensable accomplishment for a gentleman. Coke speaks with enthusiasm of the state of the Inns in his time:

'For the readers, utterbarristers, mootmen, and inferior students, are four famous and renowned colleges or houses of court, called &c. Each of the Houses of Court consists of *readers*, above twenty: of *utterbarristers*, above thrice so many: of young gentlemen about the number of eight or nine score, who there spend their time in study of law, and in commendable exercises fit for gentlemen. The Judges of the law and Serjeants, being commonly above the number of twenty, are equally distinguished into two higher and more eminent houses, called Serjeants' Inn; all these are not far distant from one another, and altogether the most famous university for the profession of the law only, or of any human science that is in the world, and advanceth itself above all others, *quantum inter viburna cupressus.* In which Houses of Court and Chancery, the readings and other exercises are most excellent, and behoof-ful for attaining to the knowledge of these laws; and of these things this taste shall suffice, for they would require, if they should be treated of, a treatise by itself.'—(*Pref. 3d Rep.*)

Coke uses the terms *Reader* and *Bencher* indiscriminately; but, so long as the readings were kept up, a bencher was, properly speaking, a reader-elect; a graduate whose privileges were conditional on his reading or lecturing in his turn; for he was not duly qualified to take part in the proceedings of the governing body till he had read. This point is by no means an unimportant one, in considering the duties of the benchers. They were also bound to preside over and take part in the mootings or disputations and other exercises of the House. The shortest

period of probation for the bar was seven years, and the candidates underwent a preliminary examination by the reader. Besides the ordinary readings, every member of the Inn, promoted to any Bar rank, was bound to take the readership; not excepting newly-made serjeants, who, as they forthwith left the Inn, could derive no benefit from the consequent elevation to the Bench table. In this manner, a succession of first-rate lecturers was secured, and the readings (we are assured by North) were not merely useful to the student, but proved a great help to the general understanding and application of the statute law. Unluckily, it was the custom for the Reader to give a grand treat on the occasion; and this proved so burthensome, as eventually to cause the readings extraordinary to be declined or evaded, which led gradually to the discontinuance of the readings altogether. North says, 'that of his lordship's (Lord Guildford, on being 'made Solicitor General,) was so terrible an example (the cost 'was L.1000), that I think none hath ventured since to read 'publicly, but the exercise turned into a revenue, and a com-'position is paid in to the treasurer of the society.'

In this manner, by commuting exercise after exercise for a money payment, the whole of the old system has, almost imperceptibly, been made a dead letter, except so far as relates to the privileges of the governing body, who have contrived to retain all the advantages, with none of the burthensome duties, of the grade. A Benchership is now a Fellowship, worth in the Temple from L.70 to L.120 a-year. The Benchers have the entire management of the affairs of the society; and, besides calling to the Bar, they act judicially in cases of discipline, and expel or disbar on occasions. An important question regarding the constitution of these bodies (one of which claims to be regarded as a Club) is now pending before the Judges, and we shall not endeavour to anticipate their decision; but the bare fact of a question so derogatory to the character of the Profession, having been raised, is a conclusive proof of the decline of the institution, and well calculated to excite the distrust of the Legislature.

Every thing connected with the Inns of Court depends on custom or prescription. They are a complete anomaly in all respects. 'They are not corporations, and have no charters 'from the Crown; they are voluntary societies, which for ages 'have submitted to government analogous to that of other semi-'naries of learning; but all the power they have concerning the 'admission to the bar is delegated to them from the judges, and, '*in every instance*, their conduct is subject to their control as

'visitors.'* One topic of inquiry suggested by Mr Wyse was, whether the judges had ever exercised any control over the course of Legal Education at the Inns. From the general orders (printed by Dugdale in his *Origines Juridiciales*) it appears that there was no branch of management that they did not control—considering, very properly, that the training of the profession was their peculiar province.

A still more important inquiry is that regarding the amount and tenure of the property of these societies. The amount must be very great; so great, that there can be no difficulty in supplying the funds necessary for carrying out any scheme of education that may be decided on. The tenure has been disputed; and the late Lord Abinger asserted in the House of Commons in 1832, that the property of the Inns 'was the result of subscrip-'tions among themselves, which had been handed down from 'one set of trustees to another, and was, in fact, as much pri-'vate property as that which belonged to any gentleman in the 'House.'

Now, their property is derived from fees and the rents of chambers. No one can become a member of the English or Irish Bar without becoming a member of one of the four Inns of Court; which thus hold the keys of the only profession by which many of the highest public offices are attainable; yet the money exacted for entrance, &c. is to be regarded, forsooth, in the light of a subscription to a Club! It is obviously as much a public tax, to be applied to public purposes, as the money paid to the tax-gatherer for a license to practise as an attorney, or a license to kill game; or (to take another parallel) the trustees of a turnpike trust might, with equal plausibility, assert that their funds were the result of subscriptions; for the would-be Barrister has no option in the matter, and the becoming a member of an Inn is of very little advantage to the English student, and none at all to the Irish. It is strange that, among the numerous calls for justice to Ireland, exemption from this imposition has never been insisted upon. The original pretence for it was the necessity of keeping up uniformity of laws, it being expected that the Irish student would benefit by the readings and mootings; and, more recently, that he would employ the time he was compelled to pass in London in studying with English Pleaders and Conveyancers But the majority, we believe, contrive to keep two terms a-year till the required eight are

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* *Per* Lord Mansfield. 1 Doug. *Rep.* 353.

completed, by dining the last three days of Easter term and the first three days of Trinity term at Gray's Inn, where this mode of keeping terms has been preserved to accommodate them. There is no abuse, however, for which ingenuity cannot say something; and this enforced visit to the metropolis in the height of the season, is supposed to be useful in expanding the mind, and elevating the class of candidates by excluding the poor. If this be the object, the student should have the option of going to Berlin or Paris after seeing London; Rome might count for four terms, Greece six, and Irish members of the Traveller's Club should be *ex officio* members of the Irish bar.

But it is when we investigate the other sources of revenue that the boldness of Lord Abinger's assertion becomes most striking. A very large income is derived from the rent of Chambers, and all the property of this description possessed by two of the Inns (the Inner and Middle Temple) was granted by the Crown (6 Jac. I.) in trust, to be applied 'for the lodging 'and education of students and professors of the laws of Eng-'land;' as to which a writer in *The Law Review* observes, that the grant *pro hospitio* may have answered the intentions of the Royal Donor, but the sums expended *pro educatione* bear about the same proportion to those expended on more material objects that Falstaff's bread bore to his sack. What has become of the money?—is now the question. A set of Chambers in the Temple lets for more than a corresponding set in the Albany; and if house property, so situated, does not yield a large net income, house property in other quarters would infallibly entail ruin on the proprietors. It must not be forgotten that both rents and fees may be raised at pleasure by the Benchers; and their authority is not to be questioned in the regular courts of justice.*

We have been at some pains to establish the precise nature and extent of the claim which the public and the profession have upon the Inns of Court, because it has hitherto been

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* In an action for arrears of absent commons, (now a pure fiction,) the defendant disputed the legality of the claim, but Lord Ellenborough said—'Sitting here, I am not prepared to enter into a calculation of pounds, shillings, and pence, and to determine whether too much money is raised by the benchers, or whether the money which is raised is misapplied. If there be any abuse, apply to the twelve Judges. They are the proper visitors of the Inns of Court, and they will grant redress. If the defendant thinks there has been exaction, oppression, and corruption, in managing the affairs of the society, let him apply to the Court of King's Bench for a criminal information." *Rosslyn* v. *Jodrell*, 4 *Camp. Rep.* 322.

stoutly denied; and the Benchers (who allow the other members no voice in that or any other matter) seem extremely anxious to have it thought that they are offering a boon, when they are simply proposing to pay a small instalment of a debt.

It seems that five paid Readerships are to be established for the following departments:—1. General Jurisprudence and Civil Law (already founded by the Middle Temple.) 2. Constitutional and Criminal Law. 3. Law of Real Property. 4. Law of Personal Property and Commercial Law. 5. Equity Jurisprudence as administered in the Court of Chancery. There are to be Examinations, Honours, and Prizes; but the examinations are not to be compulsory, and the only additional qualification for a call to the Bar is to be attendance on two courses of lectures, to be selected by the candidate. Why, after agreeing to construct the machinery, the Benchers should simultaneously agree to do so little with it, is beyond our comprehension. Is it fair or proper to confer the degree of Barrister without some test of competency,—knowing, as they do, that the being a Barrister is a qualification for a great number of employments, which can only be on the assumption that it implies the possession of a certain amount of legal knowledge and social respectability? Under the new Local Court Bill, for example, the Judgeships are confined to Barristers, and Attorneys are excluded; yet an Attorney must undergo an examination as to legal knowledge, and stand the ordeal of a searching inquiry as to conduct, whilst a Barrister may get his degree for the asking; and, in point of fact, persons are at this very moment keeping Terms, with the view of being called to the Bar, who would be refused admission as Attorneys. It was the remark of the memorable Sydney Smith, that the whole internal administration of these Isles would soon be conducted by commissions of Barristers of six years' standing.

The advantages of the sociability, at all events association, enforced by the old system of keeping terms, are obvious; the students necessarily learnt something of each other's habits and connexions, and if any valid ground of objection in these respects existed, it was made known. The increase in number has effected a considerable change in this particular; but something might still be done by increasing the number of dinners to be eaten, and exacting attendance on four courses of lectures instead of two. The grand point, however, is to make an Examination indispensable;—not, perhaps, a very strict examination, but such as would at least insure fitness for the ordinary duties of the profession or the magistracy. The use of such examinations is not to insure a supply of eminent members, but to protect the public from gross ignorance, and keep up the general estimate

of the calling; and we should be glad to know what argument can be used for dispensing with them in the case of the Bar, that would not equally apply to other professions. It has been said, that young men of family and fortune would be deterred and kept away by an examination; but, in our opinion, a diametrically opposite effect would be produced. They would be more likely to come where they had a chance of learning something that might be really useful to them in after life; and their parents or guardians would be more likely to send them there. The rank of Mr Amos's pupils, when (as he stated before the Committee) he opened his Chambers to embryo legislators, and enlarged his mode of teaching to suit them, is a sufficient answer to those who think that the higher class will be repelled by an examination in the general principles of jurisprudence, or even in the outline of our municipal code; and it is worthy of remark, that precisely the same objection was urged when the present system of examinations was proposed at the University of Oxford.

Professor Greenleaf, of Harvard University, the author of an excellent work on the Law of Evidence, says—'It is most extraordinary, that while it is conceded on all hands that the sciences of theology and of medicine are cultivated most successfully in public institutions and schools, this advantage should be denied to the Law; and still more strange, that this denial should be made in England alone.'* In every other country of Europe in which Advocacy is recognised as a liberal profession, a preliminary course of study is prescribed, and the candidate is duly subjected to examination. Scotland, where, we are sorry to say, no preliminary course of study is required, makes no exception, however, as regards the grand point; for every candidate is subjected to examination, both in the Municipal and in the Civil Law, previous to his admission to the Bar. The deficiency, in as far as it extends, is, strange to say, supplied in the other and less dignified branches of the Profession; for a preliminary course of study, nearly the same for all, and tolerably comprehensive, is indispensable to admission into these.

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* Letter to the Principal of *The Dublin Law Institute*, the founders of which will henceforth rank among the best benefactors of their profession, for the cause of legal education has derived the most valuable assistance from them. The King's Inns in Dublin closely resemble the English Inns; and all public instruction is equally wanting there. A candidate for the Irish bar is required to keep eight terms at an English Inn, and nine at the King's Inns.

In the United States of North America, the most eminent Jurists have partially reverted to the method of study formerly practised at the English Inns of Court, and the experiment has been completely successful. Professor Greenleaf's remarks on this point merit deep attention, for he is stating the conclusions of the late Mr Justice Story as well as his own:

'We both commenced the study of the law many years since, amidst the drudgery and interruptions of a lawyer's office, perusing, with what diligence we could, our Blackstone, Coke, and the other books at that time put into the hands of students; and we have, more recently, had ample opportunity to mark the difference of progress and acquisition, so much in favour of our pupils at this law school, during the last ten years. Our students have access to a law library of nearly eight thousand volumes, comprising all the English and American reports and treatises, to which we are now adding those of Ireland and Scotland. My own time is given constantly to the classes, and that of Judge Story, when he is not sitting in Court. They are met by one of us daily, and are closely examined, in rotation, upon the portion of text studied by the class, and instructed by oral expositions and commentaries. And every week we hold a moot-court, where a cause is argued by four students, which is presented usually in the form of a motion for a new trial, or verdict subject to a special case, or some other of the ordinary modes in which legal questions are presented, and an opinion is ultimately delivered by the presiding professor.

'In our experience, the advantages of associate and collegiate instruction in the science of law, followed by six to twelve months' attention to the 'manipulations' of practice in a lawyer's office, are beyond all comparison superior to any other method of instruction we have ever known. And it cannot be that it can long remain out of favour either in England or Ireland. If it should once gain the attention of Parliament, with the approbation and support of the principal legal characters in each House, the course of legal education may be regarded as safe.'

Trying an experiment by halves is worse than not trying it at all; for failure is almost certain, and then all future attempts at improvement are discredited. We hear leaders of the Bar saying, Let us see how our lectures take, and how far a spirit of emulation can be excited by the examinations, before we make them compulsory; which is as good as proposing to give the let-alone system another trial, and completely evading the popular and, in our opinion, well-founded complaint,—that it is an imposition on the public, and a gross neglect of duty, to confer on any one who can afford to pay the tax exacted by the Inns, a Degree accepted as a test of station and acquirement by society.

The absurdity, in many cases, of what is called the *juste milieu* system, was well ridiculed in a French *vaudeville*. *Il*

faut mourir, says the first speaker; *il faut vivre*, says the second; *il faut tenir un juste milieu*, says the third. There is no *juste milieu* for the Benchers. The life or death, prosperity or decline, of the profession is in their hands. Hitherto, there has been no disposition to make them answerable for the habits of indifference and neglect which they have inherited from a long line of predecessors; and the utmost that has been proposed is to name a body of Commissioners, comprising a certain number of officers of state and other unprofessional members, and empower these to frame a complete system of Legal Education and place the Inns themselves on a fixed and intelligible footing. Even this might be rendered unnecessary by promptness, openness, and decision; by a fair avowal that every thing which ought to have been done has been left undone, followed by conclusive proofs of an earnest unaffected wish to make the bar all it might yet become, if the ordinary care bestowed in keeping up the tone and purifying the ranks of other learned professions, were bestowed upon it. But one thing, we repeat, is quite clear. If the reform does not come from within, it will come from without; and it is absurd to suppose that inquiry can be fenced off again, as it was fenced off fourteen years ago, by talking of voluntary societies, private property, and irresponsible power. It is now established beyond all question, that the governing bodies of these establishments are to all intents and purposes trustees for the public; and as such the legislature will deal with them.

Space permitting, we should be glad to say a few words on the establishment of a Council of Discipline: the tendency of the political influence exercised by the legal profession,—a topic well treated by M. de Tocqueville; the effect of what is called the indiscriminate defence of right and wrong on morals and modes of thinking; the degree of license to be taken or accorded in this respect, as well as in the examination of witnesses and in personal comments; with some other topics closely connected with the position, character and prospects of the profession. But these topics may be safely postponed; for we have pointed out the only effective mode of saving the Bar from sinking lower and lower in public estimation, till society begins to suffer very seriously from its decline. The reformer must begin at the fountain-head; he must purify the current from its source; he must educate, elevate, liberalise, and refine the administrators of the law; and all thinking men—making a due allowance for human weakness—will soon cease to murmur (as many such do now) at the administration of it.

ART. V.—1. *The Journal of Agriculture, and the Transactions of the Highland and Agricultural Society of Scotland.* Published Quarterly. New Series. From July 1843 to October 1846. 8vo. Edinburgh and London.

2. *The Journal of the Royal Agricultural Society of England.* From January 1839 to September 1846. 8vo. London.

THERE are three classes of men whose several opinions are at present more or less generally influential, in reference to the practical agriculture of the country.

The statesman, and the independent thinker, looking at the rapid increase of our population, which no human means seem able to retard, are apprehensive that, in its progress, it may outstrip the increasing productiveness of the land. This class is desirous, therefore, of forwarding our agricultural industry in every available way, and will knowingly favour no measures likely to hinder or delay its progress.

Mercantile and Commercial men, again, under the same apprehension, look forward to a constantly increasing price of corn, should the people be constrained to buy from the home-grower only; and this fear has not been without its weight in leading to the recent alterations in the corn-laws.

The agricultural body, on the other hand, allege that the universal competition they are now exposed to, will lower the average price of corn so much as to render home-farming unprofitable—to throw much land out of arable culture—to make us dependent upon foreign countries for our food; and in the event of a war, to expose the mass of the people to the horrors of a possible famine.

There appear good grounds, no doubt, to the minds of those who entertain them, for each of these three sets of opinions. A calm review, however, of the actual state, and of the capabilities of British agriculture, will go far, we think, to remove the apprehensions of each party, and to renew the confidence of all in the agricultural resources of the country—in its ability to grow food for its increasing population, and at a price which shall make foreign competition comparatively harmless.

All important fiscal changes involve or necessarily cause some new adjustments of the social machine. To such adjustments our free-trade measures will give rise; but though some of the wheels may probably, by these adjustments, be caused to move more quickly, there is no risk, we think, of any of them being seriously injured or permanently displaced.

Our reasons for this opinion will be brought out more clearly if we inquire—what British agriculture has done during the last twenty years?—what it is at present doing?—and what in future it may hope to effect?

1. *What has British agriculture done?* Upon the first point, considered by itself, it will be unnecessary to enter into much detail. During the heats of party contention, many things have been said against the agricultural body—of the slowness of their progress—of their hostility to improvement, &c., which, though true of individuals or of particular districts, could not with justice be said of the entire agricultural class, or of the surface of the country as a whole. It is only fair to allow, what the agricultural writers of all Europe and of America unanimously testify, that British agriculture, taken generally, has made greater progress during the last half century than that of any other country in the world; and that to learn what can be made by art of soils which nature seems to have neglected, Great Britain, and especially its northern parts, must be visited and curiously examined by the aid of an instructed eye.

There are few full-grown men amongst ourselves, whose familiarity with some one agricultural district or another will not enable them to judge of the nature and extent of this improvement, in particular localities; but one fact places it as a general truth almost beyond dispute. The population of our Islands has largely increased during the last twenty years; and though, in occasional seasons, the quantity of foreign corn imported has also been greatly augmented, yet the average importation up to last year, when the potatoes began to fail us, was little greater than it was twenty years ago. We do not care to establish this fact by any reference to numbers. We the more willingly concede to British agriculture the honour and credit of such a rapid and constant progression, because it is full of promise to the country, both in regard to the future capabilities of the soil, and to the future energy of those who cultivate it. All reference to the past, indeed, is of little moment, except as an argument for the future; and habits of improvement acquired in former years cannot be at once given up. We pass from this point, therefore; and inquire,

2. *What is now doing?* Are the energies of the present holders of the land still exerted, as in past years, in further developing its resources? To satisfy our readers upon this point, we ask them to accompany us in a brief agricultural tour of the Island.

From the extreme northern end of Britain—from within the

walls of a castle which braves the storms of Dunnet bay, and guards the harbour of the ancient town of Thurso—came the voice which, upwards of fifty years ago, awoke the dormant energies of British agriculture, and, from Caithness to Cornwall, stirred up practical men to new exertions. Improvers are not always duly honoured at home, yet the long and useful life of Sir John Sinclair could scarcely fail to make a lasting and still visible impression upon his native county.

The stranger who lands at Wick is struck by the utter nakedness of the country. He ascends a rising ground, and as far as the sight can reach, not a tree meets his eye. An uneven and undulating plain, with occasional low green hills, and many lochs between them, extends on either hand, till the eye rests on the lofty Sutherland hills, which shut in the view towards the west and south. In the days of Sir John Sinclair, this country was nearly all one rude moor—tenanted by here and there a few crofters or small farmers, settled in their rude cabins by the margin of a lake, or on a more sheltered hill-side, or by the border of some green bottom—on which a few starvling black cattle could pick up a scanty subsistence. Land was of so little value, that few marches were clearly defined. The boundaries of large properties were for the most part unknown; and miles on miles of common moorland were spread over the country in every direction.

Now, every thing is changed or changing, and the spirit of improvement is as lively in the remote Caithness as in almost any other part of the Island. The landowners have discovered that their paternal possessions are not necessarily the sterile and worthless inheritances they were previously considered. The drain and the improved plough, and the alternate husbandry, and a better manuring, have made corn wave and clover flourish, and even wheat ripen, where a former generation were satisfied with a worthless pasture. Marches have been settled, or are in course of adjustment—sixty thousand acres of Common, now considered worth quarrelling about, have been divided—the rental of some properties has been increased six or eight times within living memory, while that of the whole county has been doubled since 1815. We last year walked over a farm, a few miles from Wick, which had been held on a long lease, just expired, for L.134, and which has been since let for L.800 a-year! The capabilities of this country are little known at a distance. Fifty bushels of wheat, and fifty-six of oats, with equal returns of bear, and as much as three or four hundred stones of hay, are the occasional returns of a Scottish acre; and we have seen as beautiful crops

of turnips and potatoes in Caithness as in any other county in Scotland.

Cross the Ord of Caithness—descend upon the beautiful village of Helmsdale, and skirt the coast of Sutherland; and if you can shut out the mountain back-ground, you will admire the rich farming, the marks of advancing improvement, the monuments of labour expended in subduing refractory nature, and the rewards of persevering industry and skill, which appear in the rich crops of wheat and turnips that refresh the eye, as you pass the base of the hills at Golspie, and ride over the further twelve miles of coast-line which bring you to the mound of Fyvie.

Of the past improvements in Sutherland every one has heard—of the conversion of poorly farmed and widely scattered arable patches, into productive sheep-walks—of the removal of an inland peasantry to a sea-bord life—of the dispersion of some of the native population, and the emigration of others;—of these changes most of our readers have heard—some with approbation, others perhaps with doubt and hesitating disapproval. Few men in the low country are qualified thoroughly to understand the reasons assigned for these changes—to estimate the policy of them, or to do justice to the motives of those by whom they were suggested and carried into effect. The clearing system was no doubt the most summary method of effecting an immediate improvement—the simplest and most easy for an agent to carry into execution; but, independent of the question of high justice as it is called—in Ireland—we are rather inclined to doubt whether it was the policy which, in its fullest extent, a far-seeing man would have recommended to the noble and benevolent proprietor. The county has undergone extraordinary improvements in its material appearance and apparent prosperity, under the new system. The roads, the buildings, the sheep stock, the tenantry, are all admirable, and such as a great proprietor may well be proud of; but still we have a doubt whether either the sum of human happiness, or the actual rental of the proprietor, has been increased in an equal degree. A system which should have fostered the native population, and to a certain extent have kept them upon the land—which should by instruction have elevated their intellectual condition, and taught and gently led an after generation of them to forget old habits and prejudices, and themselves to become the improvers of the soil on which their fathers had so long lived;—such a system—a very difficult one, we grant, with a Highland population, requiring long patience and much kindly forbearance, and involving, in all time to come, greater labour and difficulty in management—

would nevertheless, we think, have more largely increased the amount of human happiness; and, while it added more to the strength of the state, and to the number of consumers, would also have raised to a higher sum, in the end, the rent-roll of the domain.

But whatever doubts there may be of the final policy of this system,—of the skill and industry of the present farmers of the country, the crops on the coast-line speak in the strongest terms. We wish the red land farmers of Wales had the opportunity of witnessing what is made of the gravelly red land of the Sutherland shores.

Passing hastily over the flat, gravelly, and loose sand of the Dornoch district, we cross to the borough of Tain, and enter the district of Easter Ross. The drive from Tain to Inver-Gordon presents a view of what this country can do in the hands of the skilful improver; and the fertile flat which stretches inwards from the eastern sea, may successfully rival any equal extent of stiff clay land in our southern counties.

The husbandry and improvement of one district modifies and hastens the improvement of those that adjoin it. The Sutherland sheep-walks maintain more stock—grow a larger quantity, that is, of nourishing grass—in the summer and autumn—than they do in the winter and spring. The number of sheep, therefore, which the land can support in winter, is unable to consume the food which is produced in summer. If the farmer keep only the smaller number, therefore, he suffers a loss of summer produce —there is a waste of natural food; while, if he keep a larger number, he risks the loss of his stock by famine in the winter. It was in seeking a remedy for this evil that the Sutherland farmers have been led to improve, so extensively, the gravelly soils of the coast-line. They raise large breadths of turnips, to which they bring down their unseasoned first-year sheep, (called hogs,) and feed them during the winter, sending them back to the hills again when the first rush of cotton grass has covered them with nutritious herbage. Thus the whole summer food is consumed, while the whole flock is well fed in the winter.

But the flats of Sutherland do not yet produce turnips enough to winter the whole of the first-year sheep of the county—about 50,000,—and to fatten the few crosses which the introduction of steam is leading some to rear for the butcher. The plains of Easter Ross have therefore been put under requisition. Some of the Sutherland, and even the Caithness men, take flat farms in Ross, and send down their sheep to winter upon them; while others contract with the lowland farmers, and have their sheep maintained for a stipulated price. We have heard of an indi-

vidual Sutherland farmer paying as much as L.400 to his Rossshire neighbour, for a single wintering of his sheep. The improvers in Sutherland, therefore, directly stimulate, and, at the same time, reward the improvers in Easter Ross.

We do not linger on the beautiful shores of the Cromarty Frith, on either side of which the corn fields are gradually extirpating the heath,—nor around the pretty town of Dingwall, and its richly cultivated hills; nor do we attempt to describe the view from Knockferril, which the agriculturist will delight to look upon—nor the vale of Strath-Peffer, rich and sunclad as we saw it—nor the course of the Conon, which the tourist so justly admires, and along either slope of which, in the district of Contin, and in the flatter bottoms, the several proprietors are vying with each other in reclaiming the waste. Upwards of five quarters of wheat, and seven of oats, per imperial acre, are the produce of some of the land in this beautiful valley.

To discover how remotely improvement is penetrating, and newer knowledge carried among these Highland hills, the traveller must ascend the straths that run across the country, especially in the latitude at which we have now arrived; where, though thinned by emigration, the native population are not entirely superseded by sheep. A new road is a prelude to an agricultural revolution. Admit lime alone to the soils of the slate country, and you double the value of its crops. Ascend the water of Beauly, at the head of the loch of that name, and wherever the road has gone, lime is found to have made its way for upwards of twenty miles. A humble catechism in the hands of the schoolmaster, overturns rude methods of culture, husbands old manures, recommends new ones, and through the lips of the favourite son, conveys instruction to the otherwise unwilling father. We were delighted, a year ago, when, far up Strath Glass, we met a cart laden with bags of guano, and in a small school by the wayside, heard a class of bare-footed boys successfully examined in agricultural chemistry.

We know of few districts in which the outlay of industry in the improvement of the soil presents itself in a more striking light than in the neighbourhood of Inverness. The parish of Urray, on the north of the Beauly Frith, has the appearance of one broad river-bed. Gravel and stones are the materials on which the cultivator has to work. The slopes of the hills above the head of the lake, are of a similar character,—sand, and gravel, and large blocks of stone, with a varying admixture of clay. Above the town of Inverness, again, to the south and southeast, the plains of Culloden resemble a stony pavement; and the slopes of the river Nairn behind it are almost equally beset by

huge boulders on the surface, and by earth-fast stones and stony gravel below.

But on these apparently hopeless materials, human industry is at work. The moor is giving place to the corn-field. An expenditure of labour in draining and trenching, which costs sixteen pounds an acre, is repaid by these gravelly plains and slopes. It is repaid, we infer, because the improvements are constantly in progress; and at each successive visit, we find them further advanced.

In our descent from the north, another element of the agricultural progress of our time first arrests our notice at Inverness. This is the facility of transport which steam navigation has recently presented to the agricultural produce of the district. The wheat of the Beauly Frith is generally sent to the Edinburgh, and the oats to the London market; and the cost of transport averages about 20s. an acre. To this extent, the Lothian or the Surrey farmer has the advantage over his brother in Inverness; and yet the land at the head of Loch Beauly lets at 40s. an imperial acre.

But the London steamers have lately provided a direct access to the English market for the live stock of the north. This has not only been of immediate benefit to the farmers of Inverness, and Banff, and Aberdeen—from all of which counties many fat cattle are now shipped—but it is also gradually altering and amending the general culture of the district. The attention of the tenant has been more turned to the fattening of stock; he is induced to grow more green crops—is thus enabled to prepare more manure, to treat his land better, consequently to grow larger crops of corn, and generally to improve both his own condition and that of the land he cultivates. In July of last year, when we visited Inverness, we were informed that in one trip the London steamer had carried up 700 pigs, 200 sheep, and 30 head of cattle, all fat, besides many tons of eggs and salmon. Much larger shipments still, are made from the rapidly improving county of Aberdeen.

From Inverness there are several routes by which our southern journey might be prosecuted. We might take the western road along the east side of Loch Ness; and might see in Strath Errick the struggle renewed, but with a returning tide, between the sheep-walk and the arable systems. Like the Sutherland property, that of Lovat was long ago the scene of extensive clearings. Sheep, *versus* men, there also carried the day. Trials are now making of the opposite plan. On the old sheep-farm of Dell, in Strath Errick, the curious traveller will find 600 acres capable of arable culture. Of these the present tenant has ploughed up

only 150 acres; and yet he already keeps more sheep than before, and has besides, 30 head of cattle and three horses more, with all his corn in addition. Our southern readers may perhaps be surprised when we tell them further, that the lowest of this arable land is 600, and the highest 900 feet above the level of the sea.

But who shall place a theoretical limit to the triumphs of skilful industry? In Glen Urquhart, on the opposite side of Loch Ness, wheat is grown and ripened at a height of 800 feet; and in Nairn, at nearly 1000 feet. In Strathearn, our Perthshire readers may have seen a beautiful crop of turnips at a height of 1200 feet; but if they will cross the channel and climb the Wicklow mountains, they will find turnips luxuriating under the management of a pupil of the Glasnevin school, at 1600 feet above the level of the sea. Expend knowledge and industry upon the soil, and where will it prove ungrateful?

Or, we might descend by the central road which tourists prefer—and, skirting the Spey, might see in Badenoch that the soil and the proprietors are here and there by brief starts awaking out of their long slumbers; and passing the woods of Athol, and with regret hurrying through 'bonny Dunkeld,' and over the rich, red, hummocky table-land which accompanies us from Murthly to Perth, might mingle with the skilful farmers of Perthshire, and admire how their rich straths are now almost equalled in fertility by the stony slopes of their hills, and by the mounds and ridges of gravel from which the tooth of the subsoil plough has torn up an unwilling depth of soil.

But we prefer the coast-line by Nairn and healthy Forres, and ancient Elgin, and round by ducal Fochabers, and rich Huntly, and the wet country of Keith, through the county of Aberdeen. The red land which skirts the southern shores of the Moray Frith has long claimed the title of 'the granary of 'Scotland.' Its soils are generally light, and were therefore easily cultivated. Its climate is mild and comparatively equable, for it is sheltered by mountains on one hand, and has the wide sea on the other. Luxuriant wheat grows on many of the flat lands of the 'Laigh of Moray,' and oats on its hills; but the broad sandy tracts of this coast-line favour barley more and bear, for the manufacture of the national beverage; while the potato and the turnip in their course give a fully average return.

But it is signs of progress we wish to mark. With all their boasted fertility, wide tracts of moor long disgraced these sea-fringed counties. Their sands and gravels were considered unworthy of cultivation; but increased knowledge has introduced new ideas, and its application to the land is gradually overcoming

the apparent barrenness, and corn or wood, or useful herbage, is now taking the place of the unsightly heath. Traces of movement are every where visible, though in some places less distinct and rapid than in others. On each property, after a while, a lull comes. The skill or energy of the factor is exhausted. As in the Manchester manufactories, an infusion of new blood becomes necessary, bringing with it new skill and new energy, based upon new knowledge. A further aim is then seen and explained to the tenantry, new means are pointed out, and a prudent example set—when a fresh and willing start is made by all. In one part of this district, the skill of the directing head is limited to the planting of the wastes; in another, the rental of a large property has been tripled chiefly by the application of lime; in a third, as about Loch Spynie and the rich clays of the 'flat of Duffus,' the immemorial ague and the perennial mildew have disappeared before the advance of the drain. These single results, which are but steps in the course of general improvement, are by many made final aims and resting-places—they form the horizon, in fact, by which the mental vision of many useful men is limited and defined. To spread knowledge is to change this. To unite this knowledge to the hopeful energy of young minds, is to ensure the attainment of still further advances.

A more striking illustration of the different appliances of means and skill required to discover and develope the resources of the soil in closely adjacent districts, rarely presents itself to the traveller than that which is seen as he ascends the long hill from Fochabers, on his way to Keith. He leaves behind him the red rocks which hem in the Spey, and the flats of gravelly soil which here and there mark its former bed; he passes over deep deposits of red drift, through which every tiny drain and rivulet from the hills cuts for itself a yawning channel, and he comes suddenly upon the cold, wet, slate country which surrounds the town of Keith. Here, stunted oats prevail, and starving herbage and rush-clad meadows; and the wide moors and boggy heaths subject the inhabitants to a climate to which their geographical position and their height above the sea by no means entitle them. The means by which good crops are raised in the flats below, fail in their effects upon the wet lands of Keith.

Poor land often makes a poorer tenantry. An apparently ungrateful soil repels the willing labourer. The means he has seen employed with success in a neighbouring district fail in yielding an adequate return on his land, and he is discouraged from further attempts. He looks with suspicion and distrust upon methods recommended by men who, as he thinks, do not know what his land really is. The progress of change, therefore, is slow on

such a spot; but once put these same men on the proper method, gain their confidence by a practical example of your own, encourage instead of depressing and ridiculing them, and their heads and their hands will both work as zealously and successfully as those of their more fortunately-situated neighbours.

We drive rapidly through Aberdeenshire. We see the plough and the enclosing fence asserting their dominion alike over the long-neglected wastes of the old red sandstone, of the slate rocks, and of the granites. We admire the improving breeds of stock which are spread over the many valleys of this wide country. We see the drain ribbing its way over the hollows and slopes wherever facilities of transport present themselves; and the young forest climbing the mountain-side, or sheltering the colder pastures. We attend a meeting of the Aberdeen Farmers' Club, and learn how science is gradually mingling itself with the practical skill of the county, guiding and regulating their varied improvements;—and when, on our subsequent drive towards Stonehaven, we observe again the expensive clearing of stony land which struck us so much in the neighbourhood of Inverness, we cannot deny to the agriculture of Aberdeenshire the praise of actual progression; nor help concluding, that its shrewd inhabitants must find in this progress a source of increased pecuniary prosperity.

But we linger too long in the north, and our tour must be hastened. If we keep along the high-road, through Strathmore to Perth, we shall see much that has been done; if from Brechin, by Forfar to Dundee, more perhaps actually doing: but we must turn off into the bye-ways, and visit the farms which lie towards the base and along the sides of the hills, or in the little glens which run up among them, to see art and nature most plainly struggling—for in these places the natural difficulties are usually the greatest, and the smallest amount of improvement has hitherto been effected.

At the market of Dundee the agricultural inquirer will meet with the representatives of various forms of progress—in each of which skill is adapting its means to the materials it has to work upon, and the end it has to gain. The favoured and flourishing Panmure tenantry, the holders of rich land, among whom a better drainage, a higher manuring, and a more skilful feeding of stock are the things of most pressing inquiry—the farmers in the immediate neighbourhood of Dundee, to whom a ready access to markets makes green crops invaluable—the holders of the lower carse-lands of Gowrie, who are accustomed to say that the 'carse 'land is gone,' because it no longer grows clover three feet high, and because the wheat now rarely exceeds fifty bushels to the Scottish acre, and to whom a deeper ploughing, and a ready

outfall for deeper drains, are the most serious questions—the improvers from the sandy soils of Leuchars in Fife, who clay their land by wholesale, and appear to prosper in proportion to the extent of their improvements;—we cannot meet all these men, hear their varied observations and inquiries, and from these gather how their minds are at work, without being satisfied that intellectual stagnation is not here the prevailing evil among the leading practical farmers.

We cross the Tay, and then the so-called 'Kingdom of Fife.' We ride over the moor from St Andrews to Colinsburgh; we visit the 'East Neuk,' and we return by Kirkcaldy. In this country we mark how the lime-kiln, and the frequent tile-work and the subsoil plough, are doing their work upon the high moors and upon the flats of clay—how a prudent economy, on the one hand, has established the liquid manure-tank; and a prudent expenditure, upon the other, has lavished guano upon the grateful fields.

We reach the Lothians, the centre of the high farming of Scotland—the home of the proud tenantry whose weekly markets are held at Haddington, Edinburgh, and Linlithgow. Are these men standing still? None are, in a certain sense, more on the alert. But their high reputation is an obstacle to further progress, which some of them are not able to overcome. It may be that they actually possess already a larger amount of knowledge; but certainly it has appeared to us, that a desire for further information, and an eagerness to improve, is more general among the agricultural body in some other counties of Scotland than in these. Still, in some parts of the Lothians, marked progress is visible. At the foot of the Lammermoors, about Yesters, the trench-plough and the drain are quadrupling the value of the land—up the Water of Leith, the drain is forcing an unwelcome way—and the wildness of the hills around Linlithgow, science, united to practical skill, is gradually taming down.

In Renfrew, Lanark, and Ayr, the country, both high and low, is yearly yielding a greater return of grain; and it will by many be considered a sufficient indication of general progress throughout the whole low country of Scotland, that, numerous as the tile-works are, there was not, about Christmas-time, during the two last winters, a single tile to be purchased—between Ayr, on the one side of the island, and Berwick on the other!

We would willingly delay in Ayr and Wigton, and conduct our readers to some of the spots in these counties, and in Kirkcudbright and Dumfries, in which the zeal is the greatest, and

the advancement most manifest. We feel a species of individual gratitude towards those who reclaim the bleak moss and the wild moor—who plant their feet firmly on the quaking bog—who give us the green hill-side, in place of the purple heath, and, for the moorfowls' cry, introduce the bleating of sheep. On the moorlands around Ecclefechan—on the hill pastures of Annandale—on the slaty soils of the Rhins of Galloway, and especially about Culhorn—on the bogs of the south-eastern part of Ayrshire, and particularly along the first six miles of high country from Barrhill to Newton-Stewart—on the sandy shores of the bays of Ayr and Irvine—on these, and many other spots in this part of Scotland, the more leisurely traveller will find the hand of improvement now at work, and daily progress making.

But we must cross an arm of the sea, and for a few moments glance at a remote spot which comparatively few visit; though to the question of what is doing in Scotland, few districts of equal extent give a more favourable answer. We sail from the coast of Ayr, we pass the Island of Arran, of the agriculture of which we know nothing, and we land at Campbelton, in the remote peninsula of Cantyre. With this country we were surprised,—with its soil, which promises every thing to industry and skill—with its green hills and luxuriant crops of corn, its vast breadth of potatoes, its Ayrshire stock, and its intelligent and thriving tenantry. Fifteen years ago, there was scarcely a saddle-horse in the country—now, fifty or sixty tenants come to market in their gigs. Ten years ago, poor black cattle were the only stock—now, sheep and Ayrshire cows are numerous. Within the same time, fifty to sixty Lowland farmers, holding two hundred and fifty to three hundred acres of land each, have settled in the district, displacing two or three times as many of the native Celts. These men live better, have better and cleaner houses, are more prosperous, pay larger rents and more punctually, have more stock and of a superior quality, grow less frequent crops of corn, keep their land in better condition, are more improving and more desirous of new knowledge, by which they may improve further—than the old tenantry were. The natural consequence of all this is, that encouragement is given by the proprietors generally to the introduction of the new race.

Of the old tenantry, some have emigrated, others have died out, and others again have sunk to the grade of labourers, or have found employment for themselves and their horses in the town of Campbelton.

We have in no part of the Island met with so striking an

illustration of the power of knowledge—of the fact that, sooner or later, the uninstructed and stationary race of men must give place to the more intelligent, the better educated, and the more eager for information. Let the present race of farmers educate their sons properly, and nothing can drive them, as a body, from the land; let them neglect to educate them up to the demands of the time, and especially of the district in which they live, and they must infallibly disappear. Greater capital may for a while sustain them, but they will gradually sink to a lower grade, and other mens' sons will take their place.

No spot is now safe, by its remoteness, from the access of remedial alteration. The Isle of Islay is fast increasing in agricultural productiveness; light is about to descend upon the smaller Island of Tiree; Mull is beginning to move; the distant Lewis is threatened with a much-dreaded agricultural revolution; and in the little-heard-of Orkneys, the high-bred farmers of the Lothians are not disdaining to settle.

We again turn southwards, and hasten into England. We sweep along the railway from Glasgow to Edinburgh, and observe how the moors are in course of being reclaimed along various parts of the line. We leave the Lothians, and, crossing the Lammermoors at Soutra-hill, descend into the county of Berwick. If we go by Greenlaw, and stop to refresh at Whitburn Inn, we may visit the farm of Corsbie, which was out of lease last year—a long lease, it is true—and immediately rose in rent from L.75 to L.920! Or if we go by Lauder, we call to mind the appearance of the country in our younger days, and are not surprised to hear of tenants who are cheerfully doubling their rents as their nineteen years' leases expire. Before leaving the county, we make a brief halt at Nenthorn, and examine the extended and progressing drainage by which the pasture, in this county often let by auction, has been increased in value from 22s. to 60s. a Scotch acre—the land carrying triple the stock, and, when in arable culture, yielding triple crops of barley.

At Kelso, the farming School-House of southern Scotland, we should like to rest. The beautiful Tweed,—the rich alluvial land,—the high farming,—the wide-spread drainage, bringing healthy breezes with it and an improving climate,—the skill and fame of the Roxburgh tenantry,—the numerous English, Irish, and foreign pupils scattered throughout the district, will all tempt the agricultural traveller to stay his steps at Kelso. But the existence of such inducements are sufficient for our purpose—they show that here, also, there is progress.

We enter England. Among the Northumbrian farmers, if we keep the highway from Coldstream, we see no immediate

diminution of agricultural skill. The hill-tops of Wooler wave with corn, or luxuriate in the continuous verdure of the swelling turnip. We diverge to the left, and from Wooler cross towards the sea. The perpetual smoke of the numberless lime-kilns tells how Berwickshire and north Northumberland are engaged in the ceaseless rivalry of an industrious cultivation.

Through Belford we advance to the princely Alnwick. The establishment of tile-works by the dozen is an evidence of not un-needed progress on the Percy domains. Similar advances are seen on the claylands of Howick, on the one hand, and of Kirkley on the other; while the activity of its new-born Farmers' Club shows that improvement, in its southward progress, has not left unvisited 'our canny Newcastle.'

The beauties of the lower and the upper Tyne, the valley of the Eden, the drainings of Netherby, the red lands of Cumberland, and the doings of 'its statesmen'—we must leave them all to our right. We must pass lightly, too, over the county of Durham, famous for its Princely Priesthood and its 'black diamonds.' The Tees must not stop us, nor the beautiful and high-bred short-horns of Kirklevington and Killerby, nor the North Riding of York, with its improved Wolds, and its Cleaveland hills on which whole farms are at once rescued from the waste. We must leave the West Riding on our right, with its inquiring and experimental race of farmers, too closely in contact, we should suppose, with the seats of manufacturing industry to be permitted to fall entirely asleep. We pull up at the Humber, we cross its muddy waters, and we take our first rest at Barton in Lincolnshire.

North Lincoln, at its markets and agricultural gatherings—we do not profane our pages by alluding to its sporting 'meets'—exhibits as intelligent and respectable a body of tenantry as are to be met with in any part of England. Much of their land—the alluvial tracts, especially, and a considerable proportion of that which rests on the chalk—is naturally rich. Much, however, is only kept in cultivation by a perpetual struggle, on the part of the tenant, against the natural tendencies of the soil. Reclaim a warren, crop it, and lay it down to grass, and in four years it returns to its original condition. Constant and high manuring is a principal element in the successful culture of such a surface. It is on such soils that the economy and the chemistry of manures become vital questions—and to the cultivators of them that the discoveries of science on this subject are of the first importance.

We have seldom made an agricultural tour which to ourselves was more interesting and suggestive, than one which carried us from Barton to Lincoln, over the Lincolnshire heath, formerly

a wide and pathless moor, now inclosed and cultivated on every hand; and again, after crossing the Witham at Lincoln, and ascending the hills on the south, over a continuation of the same moor of the lower oolite, to the town of Sleaford. In their natural condition, we should have more hope of the moor of Culloden than of this tract of country; and if man can conquer nature here, and can permanently keep her subdued with a profit to himself, we know of few districts in which he need to despair. That he not only maintains his ground, but continues to extend his conquests, is to us a sure indication that here also the agricultural mind is not permitted to slumber.

If from Sleaford we descend to Boston, and then skim over the rich alluvial bottoms to Lynn, we find ourselves already within the influence of the Holkham husbandry. There may, in this district, be a comparative lull at present in agricultural improvement, and some leading mind may be wanted to give the country a fresh start, and to present to it a new aim, and new means of attaining it; but, on returning from Holkham by East Dereham and Watton to Thetford and Newmarket, nearly all the way over the same chalk district, we see much to admire, and find much to learn, in the practice of the tenantry; and when we hear of a single farmer consuming as much as a ton of oil-cake per day in feeding his stock, we cannot doubt that much energy and enterprise are still at work among the local followers of the celebrated Mr Coke of Norfolk.

Turning now to the west, we do not stop on the flat and fenny district of Cambridge; nor among the rich gardens of Bedford—which, resting on the same middle oolite, remind us of the skill of Lincolnshire; nor on the heavy bean and wheat lands of Northampton, on which drainage has begun; nor on the clays of Oxford, Berkshire, Sussex, and Kent, in which the introduction of the drain alone is at once cheapening by a half the expense of culture, and is doubling, at the same time, the produce of wheat.

All this we must leave, as well as the steam and other artificial drainages of the 'level of Hatfield chase,' and the entire central plain of England, and the principality of Wales, and the peninsula of Devon and Cornwall—even in the last of which counties the improvement of the surface has begun, during the last ten years, to command a portion of that enterprise and capital which, time out of mind, has been almost exclusively lavished on the search for less certain treasures beneath.

In our hasty tour, we have seen enough to satisfy us that British agriculture is every where in actual and present progress; that the energy of our agriculturists as a body is not yet de-

pressed; that their wits are not stagnant, nor their hands yet void of cunning.

But, granting that such is the present state of our agriculture—that it has not only advanced remarkably during the last twenty years, but is still moving forward—we proceed to our third and most momentous question.

3. *Of what further progress is it capable?* How much further may the culture of the *whole* soil be economically improved, so that while the production of food for an increasing people is augmented, a fair profit may, at the same time, be left to the occupying tenant, and a reasonable return to the landlord?

The term 'capability,' as applied to the soil, has a meaning which is limited and defined by the knowledge of the man who uses it. Tell us how much practical experience and skill a man possesses, and how much scientific instruction he combines with this knowledge, and we can understand what meaning he attaches to such expressions as 'capable of improvement,' 'unproduc-'tive,' 'worthless,' and many others of a similar kind in daily use. They had one meaning twenty years ago; they have another meaning now. Even at the present day, one man understands them in one sense—another man in another sense. 'In-'capable of improvement' means merely that he who applies the term to a given portion of land, does not know how such land is to be improved, or how to be done economically, and with a profit. Other men may know, and to the whole of an after generation the method may be familiar. The knowledge of the wisest of us now, therefore, as to the capability of the soil, is only relative; and if not a hasty and inconsiderate, he must be regarded as an ignorant man, who ventures to limit, or strictly define, the possible productiveness of the soil; or to say, thus far only shall the fertility of this or that land hereafter be brought.

In regard to what we may reasonably hope for, however, there exists a *theoretical principle* and a *practical rule*,—the indications of which, taken together, enable us to form a reasonable, intelligible, encouraging, and, as we think, a safe opinion.

In a previous article of this Journal, upon scientific husbandry, we explained the general relations of geology to agriculture. We showed how, beneath the immediate surface of soil and other loose materials, there is in every country a pavement of solid rock. This solid floor differs in different countries, and in different parts of the same country. In some places it is hard—in others soft. In some it is red or grey—in others it is white, brown, or yellow. In some it consists of limestone—in others of clay, more or less hard; and in others, again, of a silicious or flinty sandstone.

We showed further, that under the action of the atmosphere,

of the rain, or of masses of moving water, these different rocks all crumble down more or less rapidly, and that out of the crumbled fragments our soils have been formed. The soil, therefore, partakes of the character of the rock from which it has been produced, and upon which, if it has not been displaced by the action of natural causes, it is usually found to rest. If the rock be a red or grey sandstone, the soil will be red or grey and sandy; or it will contain lime or much clay, if these exist largely in the rock from which it is derived.

Now, one of the objects of geology is to determine the nature, the relative local positions, and the geographical boundaries, of the several rocks which form this solid under-pavement, and to make these sensible to the eye by representing them upon the ordinary maps of the country. This is usually done by distinguishing the different rocks by different shades of colour. These maps are prepared by the geologist chiefly as a record of his own labours in the field of observation, and as invaluable aids to the further prosecution and to the higher reasonings of his own peculiar science. But they are of much important use to the scientific agriculturist also. They show him where similar rocks prevail, and, therefore, where similar soils may be expected. They exhibit to him generally the nature, the geographical extent, and the boundaries of the several great classes of soils upon which the skill of the husbandman is to be expended.

Such is the *scientific principle* to which we have alluded; the *practical rule* is as follows: If we cast our eye over such a geological map of our own island—Mr Phillips' map, for example—we find large portions of it in various districts, coloured of a dark red, (the old red sandstone,) of a green, (the trap rocks,) and of an ash or yellowish grey, (the slate rocks.) As above stated, we are entitled to infer that wherever any one of these colours prevails, soils possessed of a certain degree of general similarity will prevail also.

Now, suppose we visit one portion of the red or green country, and there find a skilful race of farmers producing large crops, rearing profitable stock, and prospering in their holdings, it is generally fair to infer that what the soil does here, it may be made to do in any other part of the same red or green country. If forty bushels of wheat an acre can be reaped in the one district, it should be possible to grow as much in the other also. And if, on visiting this other, we find the average produce to be fifteen or twenty bushels only, we may infer, unless climate or other adverse circumstances intervene, that the produce of the district is capable of being at least doubled; and by means already known and practised.

Such is one of the ways in which science and practical obser-

vation go hand in hand, in enabling us to judge of the capabilities of the soil, and to lead us, even without visiting the entire country, to tolerably fair approximations as to the kind and extent of improvement which its several parts may be made to undergo. It is clear that the possession of such scientific knowledge will greatly modify the opinions of the agricultural economist; and, by founding his views upon something like an established principle, will remove them from the class of empirical dicta, in which the opinions of a great majority of the practical men, even of the present day, may still be placed.

Guided by the joint light of scientific induction and personal observation, we therefore think it safe to say, that the produce of the whole Island in corn may be doubled, by methods now known and in some districts profitably practised. Spread the knowledge of the red-land farmers of East Lothian among the farmers of the similar red lands in Wales and in the Orkneys, and, allowance being made for the latitude, similar crops may be expected.

But a further and more purely theoretical view may be taken of the capabilities of the soil—a little in advance, it is true, of the views and opinions of the time; but based, like our former conclusion, upon the discoveries of science. Chemistry has linked herself to practical agriculture—cheerfully and zealously on her part, though looked upon with suspicion and distrust by many of those to whom, in their ignorance of her resources, she has offered her willing assistance. And, leaving out of view the above cautious, though broad deductions of agricultural geology, she grapples with the wider questions:—Must one soil necessarily differ in productiveness from another? May all soils, however naturally different, not be rendered artificially alike? From whatever rock your soil is formed, may it not be made to yield the most abundant crops?

Upon this broad question—for these are all but different ways of putting the same inquiry—Chemistry is at present labouring. She says, that according to her present belief, the growth of a crop depends, not solely, but mainly, upon the composition of the soil to which it is intrusted—that this composition can at all times be ascertained by means she has at her command—that the composition of the naturally poor soil can, by her skill, be made similar to that of the naturally rich soil; and that thus they can be rendered to a great extent agriculturally equal and alike. Such is the promise she holds out, not advancing her opinions as already entitled to the rank of certain and infallible principles, but holding herself prepared to modify or change her views as new accessions of knowledge flow in to her, from the researches in her many laboratories, and from the experiments of the farmer

in the field. It is easy to see how very differently we shall understand the term 'capability,' should this high hope of Chemistry be hereafter in any considerable degree attained, and by the use of means which are within the economical reach of the rent-paying farmer. The problem of the national economist would then be easily solved. Give him the average produce of the richest and best-farmed land in the country, and the whole number of acres in arable culture; and the total possible produce of the Island in quarters of corn would be obtained by a simple multiplication.

Such far-seeing expectations are not without their practical value. Opinion every where regulates practice. Let a higher point be considered attainable, and a higher will be attained. The dead earth bends herself to fulfil the wishes of determined men. It is part of the dominion which mind exercises over matter. Let it be established, even as probable, that naturally poor land may, by economical means, be made equally productive with naturally rich land, and a new aim and energy will be imparted to the entire agricultural community—a new basis will be given to the politician and the philanthropist for the widest and most important generalizations. It is in this way that the unseen and often unappreciated labours of the scientific few contribute more or less directly to the welfare of the many— infusing even, at times, new life and new hope into the breasts of whole classes of the community.

But we leave this high ground, and fall back upon our previous deduction, that by known and profitable means the corn produce of the Island as a whole may certainly be doubled. We shall also lay aside our geological map for the present, and ask our readers to judge with their own eyes how far we are right by taking another very brief survey of the country itself. In our former excursion we saw it in the sunshine, let us now look at it in the shade.

Starting again from the north, we find the great capabilities of the Orkneys to be as yet entirely unappreciated. Land there is sold for half its value, and willing nature is kept down by uninstructed and unconscious man. Caithness, to which so much has been done, is almost a waste still; and the native farmers are only beginning to understand how its resources are to be developed. Give them fences, pipe-tiles, bone-mills, cheap and frequent steam communication, and, above all, give them resident landlords, and the exports will speedily increase to three or four times their present amount. Sutherland is a problem we have not local knowledge enough to enable us

satisfactorily to solve; but we have an impression that many of its hill-sides and wider-straths do not at present contribute more than half their natural quota to the national food. The same remark applies to the inner hill-country of Ross; while the rich flats and slopes of its eastern portion and of its western border will double their annual yield of corn when the trenching and drainage are completed. In Inverness there are the mountain clays to improve, on the slopes of the great valley of the Ness; and lower down, the flat lands of Glen Roy; while to the east lie the untouched flats of Badenoch, which a slight cut in the rocks, at the lower end of Loch Inch, would relieve from the perennial and sudden inundations of the Spey. Above the low sea-board of Nairn and Moray, there are tens of thousands of acres of moor which may, with profit, be improved for pasture; or subjected to the plough. The drain is unknown to the southern half of Banff; and the cold country of Keith strongly calls for its introduction. Aberdeen is at work, but it is as yet only beginning. The great valley of Scotland, (Strathmore,) so naturally rich, is still, for the most part, beset with water. The carse lands of Gowrie and Stirling are but incompletely laid dry, and generally upon a shallow and imperfect sysem. In Fife, tile-machines are only beginning to perform their useful duty over the whole county; while the moorland between St Andrews and Largo, on the one side, and the neglected country north of Queensferry, on the other, show that even the Fifeshire farmers have still much to do. In inland Perth, the mountain-slopes of deep clay would yield a doubly nutritive pasture, were open draining and liming, or the use of the catch-drain, generally introduced. In Argyle the spirit of improvement has hitherto established itself only in few and rare localities. The Islands of Lewis, Skye, Mull, and Islay, might be tripled in agricultural value. Ayr, Wigton, and Kirkcudbright, in parts, are struggling zealously; but over a great part of their breadth they are still in a state of nature.

By the high-farmed land of the Lothians is meant, at the one extremity, the low country between the Pentlands and the Forth—at the other, that which lies between the Lammermoor hills and the same river. But what have the West Lothian farmers to boast of in the land about Bathgate? or, what improvements have they effected towards the sources of the Avon? Let the Edinburgh farmer skirt the western flank of the Pentlands; let him ascend the Water of Leith, and prolong his ride towards Mid-Calder, and tell us what he has done for this part of his country. Walk inland from Haddington towards the Lammermoor hills, and inspect the East Lothian farming, either

in the direction of the Lammer and Crib Laws, or south-eastward by the high-road to Dunse. The nakedness of the land is visible to the stranger here.

Comparatively little skill is needed to reap large crops from rich lands. The triumph of skill consists in compelling the reluctant soil to yield to instructed industry what it naturally refuses to produce. The Lothian farmers have sunned themselves in the warm flats and on the undulating hill-sides of their lower country, and they have spread themselves along the east coast of Scotland even to the distant Orkneys. This just praise is due to them, that they have every where farmed well and improved this richer land; but they have been slow to climb the hills, to carry their energy and skill to localities where they were most required; and thus the largest breadth of their three native counties still lies in a state of shameful neglect. Southern agriculturists are now beginning to penetrate into the more retired parts of Scotland—to sift more narrowly the claims of her tenantry as a whole to the first place among practical farmers—and they are already discovering that the fertile and well-tilled districts, through which the high-roads run, present too favourable a picture, by far, of the average condition of Scottish agriculture.

Pass on to Dunse, and from the top of the Law, look down upon the rich plain which stretches away beyond the Tweed, and is bounded only by the distant Northumberland hills. How much has the drain yet to do, and the sub-soil plough, and the simpler fence, and the destruction of vermin, for this beautiful country! And if, from Dunse, we pass on to Greenlaw, how does the eye ache as, mid-way between the two, it glances over the melancholy moors, and apparently unheeded woods, and sees neglected capabilities and forgotten duties in every furzy slope and rushy meadow. Such places make one almost believe that what is called improvement in some parts of Scotland, is what in England would be called neglect.

Take another start. Return again by rail from Edinburgh to Glasgow, and, in our more leisurely survey, how much land do we now observe upon which the step of the improver has never yet trod? Make a few short excursions in the neighbourhood of Glasgow, leaving on either hand the valley of the Clyde, and starving crops of corn, and rushy fields, will suggest the reflection—'Surely these great manufacturing emporiums absorb, 'and monopolize, and tie down to their own class of specula-'tions, all the capital of their several neighbourhoods—all the 'local intelligence and enterprise too!'

Avoiding the course of the Clyde, proceed to Lanark, and

say if the country you pass through yields one-third of what it should produce. Continue along the high-way by Biggar, or by Douglas-Mill, to Crawford and Moffat, and what a wilderness do you traverse! By Lockerby advance to Dumfries, and thence to Annan and Carlisle. What we see on this one day's journey would alone satisfy us of how much greater things the agriculture of Scotland is still capable. How many zealous lives will be spent before all that even existing skill can do, both for the higher district through which we have passed, and for the lower country including the mossy flats of Dumfries, has been successfully accomplished!

In Northumberland, if we cross the country from Wooler to Morpeth, what an extent of improvable moor asks to be reclaimed—of poor grass to be nourished—of stiff clay to be subdued! What sorrowful tales the crops tell as we approach Newcastle! How spiritless and depressed does all the land look which accompanies the railway from Newcastle to York! Is it the alleged overshadowing influence of Clerical supremacy, or the supposed readier road to wealth through its mines of coal, that has rendered Durham an opprobrium to English agriculture? The latter influence is unknown, the former only in a less degree, in Yorkshire; and yet the water stagnates and sours in her flats and marshes, and her moors are untouched by the drain and the subsoil plough, and can scarcely tell from experience how they should look under the influence of lime and abundant manure. The natives calumniate the soil; yet how strongly does the return it makes for any unusual labour and skill speak for its willing capabilities, if the cultivator faithfully performed his part.

Lincoln has much merit; but she has more still to do. Her stock-feeding will be improved—her manuring will be cheapened and bettered—the drain will yet traverse the country where its use has hitherto been unthought of; and both in Lincoln and in Norfolk, a deeper ploughing will hereafter, we think, be beneficially introduced.

In Northampton, Gloucester, and Somerset, the lias clays are all, with isolated exceptions, still to drain; the same is true of the Oxford clays of Oxford, Berks, and other counties; and of the Weald clays of Sussex and Kent. We might speak of the much-neglected husbandry of Lancashire—of the comparative infancy still of bone-ing in Cheshire—of the gaulting yet to be profitably performed in Huntingdon and lower Lincoln—of the shallow draining of Essex, which does not admit of the use of the subsoil plough — of the limited extension of the turnip culture in Sussex—of the shallow ploughing so justly praised

and practised in the moorlands of Berkshire and Gloucester—of the undeveloped and as yet little understood capabilities of the chalk soils of Surrey and other southern counties; and of the youthful state of rural industry in the Devonian and Cornish peninsula. But our limited space commands us to stop. We have seen enough to satisfy us, that the British soil affords to British agriculture ample scope still for zealous and prolonged exertion, and a promise of reward sufficient to stimulate the labours of the improver for many years to come.

After all, indeed, that we have warmly and sincerely said of the improvements in visible progress throughout the whole Island, and of the desire of improving further which we have so often perceived, it is at once painful and hopeful to add,—that, in those districts in which progress is most visible, large tracts of land are to be seen in which every thing is standing still; and that a comparatively small breadth only of the surface of Great Britain has yet attained that maximum state of productiveness, to which the highest practical skill of the time is capable of economically bringing it.

The fact is painful, because it arises out of the circumstance that so few of those interested in the fee-simple of the land are zealous and active to better their own condition by bettering that of the soil; and that so many of them, either ignorant or heedless of the means of improvement within their reach, rest in drowsy inaction, and are careless of the demands of the time. It is hopeful, because, if improvement can only be generally accelerated, there is no reason to fear any average deficiency of food, for the wants of an increasing people, for several generations to come.

But what facilities at present exist, in either end of the Island, for the further and more rapid development of these dormant capabilities? What hindrances stand in the way by which this progress is likely to be retarded?—To this part of our subject we are at present constrained to give a much more brief attention than its national importance demands.

I. In regard to the facilities—several circumstances may be mentioned which promise to aid the future progress of rural industry in both ends of the Island. Among these the progress of railroads demands a prominent place. What a new road does in a hitherto unimproved district, a railway to a certain extent will do in a more advanced state of agricultural industry. When the Wolds of York and Lincoln were brought into arable culture, it was by means of light and portable substances, such as bones and oil-cake; the transport of which from great distances,

or from low levels, was easy, and attended by little comparative cost. Improve the roads to such a degree that heavy materials can be conveyed from great distances at little cost, and we do for those necessary aids of culture which are of great weight, and for which no light substitute can be obtained, what the discovery of light manures did for the special manuring of the soil. Lime is a necessary of agricultural life, so to speak. We can neither lighten, nor find a less bulky substitute for it; but quicken and cheapen the transport, and we do in effect the same thing. So the farmer's produce, his corn and hay, cannot be lessened in bulk or weight; but the railway will bring them, both sooner in time and cheaper in cost, to an available market. The tenantry of hitherto retired districts will be converted by the extension of railway communication into suburban farmers. Prices will be reduced in the larger towns; but being equalized throughout the country, the value of land will rise in the more remote places, and the profits of the farmers be increased.

But generalities of this kind do not strike the mind so much as special cases. Take an agricultural district sixteen miles from lime, and as far from the sea-port at which its produce is sold and shipped, and its foreign manures are imported; and let a railway join the district to its market and its lime-kilns, and what will be the money effect upon an arable farm of 100 imperial acres, farmed on the four-course shift, in respect of lime, and guano, or bones, and the transport of the corn to market? Suppose the land to be already in good condition, every acre requires at the rate of about six cwt. of lime each year, to keep it in condition. It will require also one cwt. of guano per acre, or from one to two cwt. of bones, and it will send to market half a ton of corn per acre, or fifty tons from the whole farm. At the cost of 6d. a-ton per mile, the transport of the lime, guano, and corn by the common road would be as follows:—

30 tons of lime at 8s. .	L.12
5 tons of guano, . .	2
50 tons of corn, . .	20
In all, . . .	L.34

The railway will convey the whole for one-third of the cost; but suppose the saving to be only L.20, it would be equal to 4s. per annum on every imperial acre in the whole farm.

The Kirriemuir country in Forfarshire, and the Dunse district in Berwick, are at present in very nearly the precise conditions above supposed; and those who know the actual state of large portions of the land in those districts, will understand how impor-

tant an item, in the whole yearly value, a saving even of two shillings an acre would be.

From this latter county of Berwick we might have taken a more extreme case. To a large portion of the tract of country between Greenlaw and Dunse, lime is brought a distance of thirty miles, while the corn is sent nearly as far to the market at Dalkeith. The lime which costs 4s. 6d. at the kiln, when laid down about Mellerstane costs 10s. 6d. A railway lately projected to pass through that country proposed to lay down the lime at the same place at about half the latter price; what a boon would that have been to the local farmer and to the improving proprietor! To improve an acre of land in that locality costs L.9—the drainage five, and the liming four. Reduce the cost of liming one-half, and you not only make the proprietor's capital go further, but you render land improvable with a profit, which otherwise might not give a sufficient return for the necessary outlay. It is of great moment to cheapen the cost of drainage, but it is of greater still to lessen the cost of lime. Drainage, if well done, is done once for all, but new additions of lime require to be made at frequently-recurring intervals.

If we add to the things above noticed, the saving in the transport of coals for domestic use, or for the tile-kiln, or in the carriage of tiles themselves—the time, and actual beef and mutton saved in sending live-stock to market—the increased value they give to new milk and fresh butter at distances even of thirty or forty miles from large towns—the outlet and market they provide for the thinnings of plantations, as well as for the grown wood for sleepers—and other similar items,—the money benefit of railways to the agricultural interest on the whole will amount to a much larger sum than we should at first suppose. We offer it only as a rude approximation; but our impression is, that highly farmed land in inland districts, not less than ten miles from market and from lime, will be benefited to the extent of one shilling per acre, for each of the next ten or twenty miles of railway, by which it is connected with these two important ministers to its prosperity.

It is acknowledged that the monopoly of the present suburban farmers, and market-gardeners, and town dairy-men, will be seriously broken into by the railway extensions; but it is interesting to see how competition calls forth new energy, and causes the monopolist, when driven from his peculiar walk, to look out for new means of regaining his old advantages. The suburban cultivators had two advantages over their country brethren, in the ample supplies of manure which the towns afforded them, and in the ready and constant market for their produce. The portable manures on the one hand, and the railways on the other, have

deprived them of both of these exclusive facilities. They are therefore turning themselves to a new resource, in which the more distant farmers cannot for some time rival them. The solid manure of the towns gave them the superiority formerly. They are now turning to the liquid. The London Sewerage Company proposes to pump up the waste fluid of the sewers, and to convey it in pipes to distances of ten, and even twenty miles; and from these pipes to distribute it in showers upon the growing crops, or to send it forth in streams to irrigate the land. They state that so greatly is the project in favour with the suburban tenantry, that they have already obtained contracts to supply upwards of twenty thousand acres with their enriching fluid. Should this scheme succeed, so that the old race of market-gardeners and dairy-men by this means regain a temporary advantage, it will only prove an incitement to their more rural neighbours to take other steps in advance, by which their relative conditions may be again, for a time, equalised. By bringing such rival pecuniary interests into play, railroads cannot fail rapidly to hasten the development of the material resources of the country.

Another less generally observable, but most important facility, is the cheapening of the cost of land drainage, which has recently, or is now in the course of being effected. Were the whole land of England now drained, we should, even in 1847, with an average season, raise perhaps five millions of quarters of grain more than the population has been in the habit of consuming. How important, therefore, that this fundamental improvement should be hastened forward, and that the facilities for doing so should be augmented as rapidly as possible. The introduction of the pipe-tile, by lowering the price of the conduit to one-third, and the cost of transport to one-fourth, or even one-eighth of that of the old tile and sole, is a most valuable boon to practical agriculture, and is giving a new stimulus to its exertions. The pipe-tile in the three feet trench of Mr Smith, with occasional Elkington deep drains, where springs exist or under water-lodges, are the points in practical draining as to which present experience seems most conclusive.

In connexion with this subject, the proposed loans by government for the promotion of draining, are likely to be of happy influence. It is upon the details of the Bill, however, by which these loans are authorized, that its practical working will depend; and these we have as yet had no opportunity of studying.

High farming involves, as an essential element, high manuring. But this can only be practised where a ready access is had to abundant supplies of extraneous manures. The importation of guano from foreign countries, the greater economy of ma-

nures among our practical men, and the manufacture of artificial manures at home, have given facilities for high manuring which were never possessed by the general farmer before. During the last three years this abundance of easily applied manures has given rise to new modes of employing them, has extended the use of them in an amazing degree, and has applied a decided stimulus to the arable culture of the country. By the aid of Chemistry, the manufacture of manures as an important branch of industry will continue to improve; the supply of manures will be further augmented and cheapened; and the development of the resources of the soil will be thereby hastened and increased.

Another circumstance of great moment now operating for good in both countries, is the rapid diffusion of agricultural knowledge among the rural population. Farmers' Clubs are almost every where in operation, practical and theoretical discussions take place at farmers' meetings, formal lectures are often given, agricultural Journals are published and read, agricultural libraries are established; and altogether we believe that a period of intellectual activity, among those connected with the tillage of the soil as a body, has now commenced, such as has not before been seen. The whole scope, almost the staple of agricultural writing has been altered within the last six years, and a higher tone has been assumed in all our provincial agricultural discussions. This ought certainly to lead, as similar mental efforts always have done, in all other arts, to a more rapid advancement of the art of culture, as well as to a more rapid and general application of improved methods to the fertilizing of the soil.

II. But in either kingdom there are also special facilities and hindrances to which it will be proper shortly to advert.

1. In *Scotland*, the existence of leases and corn-rents—the greater intelligence of the people—and the long-continued labours of the Highland Society, have contributed very much to that higher advancement of agriculture compared with the southern counties, which its position in latitude renders the more remarkable. None of these, however, are recent facilities. But a new stimulus has lately been furnished by the Agricultural Chemistry Association—a body which, during the three years of its existence, has displayed an extraordinary degree of activity. Having in view, as one of its objects, the diffusion of elementary scientific knowledge in its application to agriculture, its principal officer has been sent into the most remote parts of the country; to stimulate the rural population to expend new thought upon their old pursuits, and new methods for their old processes. They have also established a Laboratory of Che-

mical research; by means of which they both solve the economical difficulties of the farmer, and protect him from the impositions of the adulterator of manures, and of the manufactured food he purchases for his stock.

But Scotland has her hindrances to remove, as well as her facilities to promote. The subject of Entails has lately been brought prominently before the Scottish public, especially as an obstacle to agricultural improvement. There are many alleged evils in connexion with the law of entails which are beyond our present province; but it is not so to state, that the life-rent tenure by which entailed estates are held, is so frail, in the absence of heirs-male, that the holders have in most cases no inducement to expend their income in permanently improving the land from which it is derived. It is even an inducement, where daughters are to be provided for, to rackrent and impoverish it, and is thus a direct bar to all expensive ameliorations.

We were lately informed by a resident proprietor in a Yorkshire parish, that within his recollection every estate in the parish had changed hands. This may be considered an evil by some, but it has this good effect upon the local agriculture, that every new proprietor does something to his estate; and with the change of heads there is a constant change in the old habits and prejudices of the people. In Scotland the prejudices and habits of a family may be said to be entailed with the land; and except through the heads and hands of that family there is no hope of any permanent and useful alterations being effected. The extent of entailed land is also increasing. New tracts of country are year by year subjected to their stringent clauses, and thus the agricultural blight must also spread. Another injurious effect of entails, besides that of retarding the progress of particular estates, is the bar they present to the adoption of great general measures for the improvement of a whole district. A bog is to be drained, or a river-bed to be deepened, by which several estates are to be benefited. There is no difference of opinion as to the desirableness of the proposed work, and under other circumstances all the parties concerned would readily agree to pay their relative quota of the expense. But the occurrence, among the number, of an entailed property, which cannot be made chargeable with the expense of a prospective improvement, stops the progress of the measure, and leaves the land in its natural condition for an indefinite period.

Next to entails, we would name absenteeism as an agricultural evil in Scotland. Much is known of the effects of absenteeism in Ireland, while little is seen or known of the existence of

the same evil in the northern part of our own Island. Few who have not narrowly observed it, are aware of the large amount of good a proprietor may effect by a simple residence in the country, and without much actual outlay on his own part. His presence encourages, his counsel assists, his approval stimulates, his favour rewards, and his public approbation gives the tone to local improvement. In Caithness, perhaps, of all the Scottish counties, and in the western Islands, this evil is the greatest and the most felt. Large improveable estates lie unknown and hardly ever visited by their owners. It is only wonderful how the very few resident proprietors in a country like Caithness, have been able to do so much. Agents cannot effect what landlords can readily do. They cannot see what the less familiar eye of the proprietor at once discovers. They cannot convince their principals by correspondence, of the necessity of improvements which, if on the spot, they would be ashamed to leave undone; or of the policy of expending money upon objects for which a landlord residing on his own estate, would see it his interest to make some advances.

But it is not in the extreme north and west only that this evil operates. We have before us the notes of a ride through Forfarshire about a year ago; in which was jotted down the names of the several properties either under trust or held by absentees, which are for the most part to be seen from the turnpike road. The number of these properties, in a single small Scotch county, will surprise the reader. From Dundee to Forfar there were four estates under trust, and five the property of absentees. From Forfar to Montrose by Brechin, and by Arbroath back to Dundee, three estates under trust, and six the property of absentees. Besides these, seven other generally large estates were named as being the property of non-residents, and two as being under trust. Thus, in one small county, nine considerable estates are under the management of trustees, whose powers are always limited; and eighteen, some of them yielding ten thousand a-year, are owned by absentees, whose principal concern usually is that their rental should be well collected.

2. *England* also has special hindrances, and enjoys at present some special facilities for further progress.

Among the hindrances, we mention, first, the want of security of tenure, on the part of the occupiers of the land. If the lease has helped forward the rural industry of Scotland, why should it fail in doing the same in England? If the true mercantile spirit is ever to be introduced into agricultural operations, a fair prospect of remuneration must be presented to the enterprising tenant. He will otherwise, in rare cases only, expend his money

in improving his landlord's property. 'It gives me great satis-
'faction'—said the late Lord Eldon, in an address to his ten-
'antry at Rushy-Ford in the county of Durham, in 1836—'to tell
'you that I have been informed by those from whom I can re-
'ceive accurate information on the subject, that you have all of
'you made improvements in the management of your farms.—
'I cannot but attribute these beneficial effects in a great mea-
'sure to the alteration which you have made in the tenure of
'your farms, in taking them for a term instead of from year to
'year. It is evident to me, as it must I think be to you all,
'that a tenant who is liable to be removed in a year from his
'farm, cannot, satisfactorily to himself, make those improve-
'ments which he will do when he is sure that he can remain
'long enough to reap the benefit to himself of those improve-
'ments.'* This is the testimony of one whose long legal life had enabled him to appreciate thoroughly the natural influences by which men in all classes of society are moved in their management of their ordinary affairs. It is alleged, and we know it to be true, that in many districts the tenantry are averse to leases; but this is only saying in other words, what is also too often true, that the tenantry in many districts are averse to general improvement. Instruct them better—teach them the value to the country, the profit to themselves, and the general desirableness of amended culture—explain to them how it is to be brought about easily and economically—and when you have awakened them to a right mind on these subjects, you will find that a desire for extended and certain holdings will have been awakened along with it.

An evil not necessarily attendant upon yearly holdings, but which, in too many districts, accompanies them, is the want of any recognised principle or rate of remuneration for unexhausted improvements. A tenant holds his land from year to year. He gets notice to quit. On the faith, or in the hope, of continuing on his farm, he has limed his land, he has applied bones largely, he has consumed much oil-cake, has formed and buried in his fields much rich manure. Is he to leave all this in the land without compensation, because he has happened to differ with his landlord, or to give offence to his agent? On what principle is he to be remunerated? For which of his additions is he to be paid, and for how much of each? These questions have been the cause of much heartburning among a deserving tenantry when expelled from their yearly holdings.

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* *Life of Lord Chancellor Eldon*, vol. iii. p. 263.

The lease simply and easily avoids all such difficulties and complications. As he enters his farm, so the tenant leaves it. He paid nothing to his predecessor, he expects nothing from his successor; and if he has fulfilled the covenants of his lease, his landlord and he quit each other on the same simple terms. There is here no room for bitterness or after-recrimination.

The lease-hold tenure of Church-Lands presents another obstacle to the improvement of a large portion of the surface of England. Where such lands are held on lives, renewable at each death, as Bishop's and Chapter lands often are, the hindrance to improvement is not so great. The more distant the renewals, the more inducement the actual holder has to improve his possession. But when held, as so much of the chapter-land in Durham is held, by lease renewable every seven years, and where a year and half's rent is exacted at every renewal, the bar to improvement is more serious. Of every increase in the annual rental, effected by the skill and capital of the lease-holder, one-fifth part goes to the lessor, payable at each septennial term. It is easy to see how this comes to operate as a powerful drawback upon the exertions of the lessee. It is, in fact, one of those several causes which have co-operated to keep the county of Durham, and some other counties, in the lagging condition in which they now are.

Reserved rights of other kinds operate no less injuriously. In every naked part of the Island we find traditions of great forests having existed; and buried trunks and roots in many places testify of their actual existence in former times. Such is the case in the higher parts of Northumberland and Durham. The stranger is here struck with the nakedness of the country—the want of shelter for the land. Will trees not grow here? he naturally asks; and probably he may receive for answer that such is really the cause of the barrenness which has called forth his remark. But in most cases this is a mistaken idea. The timber would grow if encouragement were given to it, and unseen causes often operate to prevent this from being afforded. Among such causes are the reserved rights of Lords of Manors over Copyhold lands. In such as hold from the Bishop of Durham, for example, one-third of the timber is reserved, except what is cut for use on the property. On such as hold from the Chapter of Durham, all the wood, as we are informed, is reserved. Even ornamental timber is not safe from the axe of the thwarted or over-zealous agent; and therefore few care to plant and tend what another may at any time come and take away. Copyholders, we believe, are held bound to plant so many trees under specified conditions; but these are very generally evaded on a prin-

ciple of human nature which our readers will easily comprehend. How long shall petty hindrances like these be permitted to interfere with the general progress of the country?

We have alluded to agents. The want of a properly educated class of men, specially instructed for this line of life, is a serious evil in England, and is far from being unknown even in Scotland. One estate is under the management of a man of the law, often non-resident, who can neither direct, knowingly criticise, nor even appreciate an agricultural improvement. Another is directed by a person who, as a reward for faithful service, has been abruptly transferred from the Butler's pantry to the Agent's office—while a third is presided over by a retired military officer, who may become an excellent man of business, but is most unlikely to acquire a familiar acquaintance with those theoretical and economical principles by the aid of which the capabilities of a great estate are to be understood and developed.

This evil, we hope, is in progress of removal. A specially instructed race of men is springing up; and proprietors will by-and-by discover how very much it is their interest to secure the services of such men, wherever they are to be obtained.

England enjoys, however, at the present moment, many facilities, or special aids to improvement, which are likely to hasten her progress very much in time to come.

First in place among these is the recent Commutation of Tithes. What greater obstacle can there be to rural improvement than the necessity of giving an annual tenth of the increased value to a party who took no share in the labour or expense by which the improvement was effected! Little circumstances, petty feelings and incidents, sums trifling in themselves, and small irritations, often exercise a more constant and immediate influence over the actions of men than great principles do. Because the tithe-proctor could come and carry off the tenth of his increased produce, the holder of the land thought comparatively little of the nine parts which remained. By the boneing of the grass land in Cheshire we have known the tithe increased five times; and though the remainder of the produce amply remunerated the improver, we can readily understand why, in very many instances, such increased tithe should be grudgingly paid. In parishes where sheep were tithe-free, we have known land kept in grass for a succession of years, to the manifest loss of the proprietor, because he was on bad terms with the Rector. But such heartburnings are now done away. The tithe is commuted into a fixed rent-charge: it has assumed a shape similar to that of ordinary rent—one in which it has never operated as a

bar to improvement in Scotland. The result has already been happy in many localities. Money is now willingly expended both by landlords and by tenants, where the husbandry of the district had long been stationary through the operation of the tithe; and we are quite certain that the good effects of the change will be more and more manifest as the desire for improvement becomes more diffused, and the means of effecting it are more generally understood.

Second among recent and existing causes of progress, we class the establishment and exertions of the Royal Agricultural Society of England. The line which this youthful Society has taken is something different from that along which the older Highland Society of Scotland has hitherto gone—more adapted to the wider field of its exertions, to the special state of the soil and husbandry, and to the general state of advancement of the practical agriculture of England, and of the minds of its practical men.

England is a wide country, and scarcely any one-tenth of the rural population knows what any other tenth of the same class is doing—what their soils, their crops, their returns, their practices; or what the local reasons for the adoption of methods different from their own. The Royal Agricultural Society, therefore—doing again what Sir John Sinclair and the Board of Agriculture did a quarter of a century ago—is collecting, publishing, and circulating among its members, carefully prepared reports of the existing husbandry of the several counties of England. These are intended not so much to gratify curiosity as to awaken interest—to call forth such reflections as—'If this be done in 'Nottingham, why may I not do it in Essex?'—'If this prac-'tice succeed in Northumberland, why may I not try it in 'Gloucester?'—'If this crop pay on the clays of Sussex, why 'should it not pay on mine in Oxford?' To improve one district by showing what is done in another—to diffuse over the whole land the knowledge possessed in the most improved districts, is the laudable object of this branch of this Society's labours.

Then, as the most striking, most immediate, and most universally practicable and intelligible increase of productiveness in the English soils is to be brought about by a general drainage, the means of accomplishing this, in the cheapest and most efficient manner, has engaged much of their attention; and as the most backward land is also strong clay—of which there are vast breadths in different parts of England—for the working of which clod-crushers and cultivators are of great value, they have been led especially to encourage the manufacture and improvement of such machines.

This has naturally turned their attention to other agricultural implements, until at length they have gradually slid into an almost exclusive patronage and encouragement of what may be called, by way of distinction, the mechanical methods of improving the soil. The show of implements at their annual meetings is indeed a very instructive sight—one which can be seen nowhere else in any part of the world—and which, to the instructed observer, conveys a very clear idea of the actual condition of English agriculture, and of the kind of advancement it is now making. It may be inferred that those implements, of which the greatest numbers are exhibited—of which the greatest number of improved modifications compete for the premiums—are also those for which there is the greatest demand among practical farmers. And as those only are in demand which are required for general and profitable use, the purposes they are respectively intended to serve, will indicate very clearly the kind of operations to which the attention of improving English farmers is at present especially directed.

The value of new and improved tools to the husbandman is not generally appreciated even by agriculturists themselves; and the national importance of placing them in his hands is understood by very few men among the other classes of society. But the economical advantage likely to follow from the general introduction of the thrashing-mill alone, as calculated by Mr Brown of Markle many years ago, places this point in a very clear light. According to this high authority, the thrashing-machine, if generally introduced, would effect a saving of one-twentieth of the whole grain produced in Great Britain—then twenty-four millions of quarters. This one million two hundred thousand quarters he calculated to be left in the straw, and annually thrown away; which, at 40s., were worth L.2,400,000. The saving of expense in thrashing he reckoned at one shilling a quarter, or L.1,200,000—making in all an annual saving to the country of L.3,600,000. It is not necessary to adopt the above numbers of Mr Brown as strictly accurate, in order to satisfy us of the national and economical importance of generally introducing a better and more numerous selection of implements among practical farmers. The English Society deserves well of the whole Empire, therefore, for endeavouring, by the exercise of its great influence, to promote this important object.

The reader will observe, that, in Scotland and England, the lines of agricultural force, so to speak, are tending in different directions. The mechanical means of improvement are fixing the especial attention of the English Society; the generally scientific and chemical means, that of the Scottish improvers. We do

not say that Scotland has yet done enough to the mechanical part, but the line she is now taking, through her Chemical Association, indicates a further stage of advancement than that which is followed in England. Both are pregnant with good results to both countries; but England has still to enter zealously, openly, and as a distinct branch, upon the Scottish walk of applied science; and, no doubt, she will find some one at the helm of her agricultural affairs, who will be able to guide her in this new and higher direction.

That this is certain to take place, we are satisfied, by the existence of a circumstance which we regard as the third among the important special means by which English agriculture is henceforth to be promoted. We allude to the establishment of the Agricultural College at Cirencester, and the Yeoman School at York—the introduction of agricultural instruction into the training-schools at Durham and elsewhere—and the other similar methods now in course of being adopted in different parts of central and northern England, for affording the means of a more or less complete agricultural education, to the various ranks of the rural community.

In the establishment of agricultural Colleges, England has taken the lead. In this, Scotland and Ireland must follow her. At Cirencester there are already about a hundred young men engaged in the study of those various departments of knowledge, a certain acquaintance with which is necessary to the preparation of an accomplished agriculturist. Should these hundred young men hereafter become agents upon as many different estates, how great a boon would be conferred upon the country by their education!

Of the necessity of this special instruction, through special schools, many are still unconvinced. Our views upon the subject are briefly as follows: The surface of Great Britain as a whole is capable of being greatly improved; but this improvement can be effected only by the application of new knowledge to the soil. This new knowledge must therefore, by some means, be brought within the easy reach of the rural classes. The schoolmaster is the only *permanent* instrument by which this can be effected. Our elementary schools, without any new machinery, may constantly diffuse a certain amount of this knowledge, as is now done in many of the Scotch and Irish schools; but the higher, more advanced, and more perfect agricultural education will still be wanting. Where is this to be got? Will any of our higher schools and colleges incorporate it with, or add it to their usual and special courses of instruction? We believe not. They do not understand it. Their habits, and the

rules of their Institutions are opposed to novelties in education. In an old Institution the new branches would struggle with the old at a constant disadvantage, were they even formally introduced. The easier, speedier, and more effective method, therefore, is to found special schools for this special object; and this in all the three kingdoms will, we believe, sooner or later be done.

Mr Blacker, an Irish improver, whose exertions in that country are beyond all praise, works through the instrumentality of peripatetic agriculturists. His attention is chiefly directed to the improvement of the existing race of farmers. Our desires are fixed more on the future generations. His ambition is to push them on, as a man may make the hands on the clock-face go forward, by standing behind and moving them. We do not undervalue this mode of moving in the mean-time; but we are anxious to attach machinery to the pointers, to connect them with a mainspring, and to wind it up that they may move alone. The heads of our rural population contain the machinery we are anxious to employ; instruction is the mainspring; and we would have the schoolmaster to wind it up once for all.

We have at present little more to add. We have in some degree assumed that British agriculture, up to the present time, has continued to make progress, about as fast as the population itself. We have run hurriedly over the Island, and have every where observed marks of still active and advancing improvement. Looking at it in another light, we have satisfied ourselves also that the soil in its existing state possesses undeveloped resources on which long years of successful labour may still be profitably expended. We have likewise adverted to many facilities which now exist in both ends of the Island, likely, we think, hereafter to hasten forward the general body of British agriculturists at an accelerated pace. In all this, therefore, we see not only a very cheerful, but a very reasonable prospect, both of abundant food and continued employment, for an increasing people, and of prolonged prosperity to the farmer.

The change of the Corn-Laws will act, we hope, as it ought to act, upon British minds, not as a depressing, but as a stimulating influence. If it call new energy and intelligence and new means into play, it will prove an almost unmixed good. Whatever art can extract of enlarged crops from foreign soils may equally be reaped in Britain. The capital, aided by the mechanical skill, and applied science which we possess, ought, therefore, if made generally available, to place our farmers beyond the reach of any protracted successful competition, in the home market. Larger returns, in all branches of husbandry, without

a proportionate increase of cost, are what the soil promises to the application of increased skill. This is the very result by which the comfort and existing position of both landlord and tenant are to be maintained. Cast despondency away, therefore—let new exertions be put forth, and this new end will be attained.

The same cheering view, also, we would take of the late visitation which has befallen our potato crop. We believe it will be only temporary; but whether so or not, it ought not to depress us. Afflictions of this kind lead to good, if they arouse to new exertion. The gift of new knowledge to the people will inspire them with new hope; and, in times of trial like the present, will provide them with new resources.

Art. VI.—*L'Inde Anglaise en* 1843-44. Par le Chevalier Edouard de Warren, ancien Officier au Service de S. M. Britannique dans l'Inde. Deuxième Edition. Trois tomes, 8vo. Paris: 1845.

We had never seen nor even heard of the work of M. de Warren, although he states in his preface that it has been noticed and even translated by the English Press, until we were informed by what all would consider very high authority, that its misrepresentations regarding the government of British India had made a great impression upon the Continent. We can easily believe it. The work is written with considerable ability. It professes to be, and probably is, the testimony of an eyewitness, as respects matters of personal observation. And statements so startling and criminatory as many of those to which it gives publicity, are sure to attract attention; as long as nations, like individuals, feel pleasure in the exposure of the real or alleged follies and faults of their neighbours.

Some of these statements are more or less true. Others are altogether erroneous, or so much distorted and coloured as to produce a false impression. And truth and falsehood are strangely intermingled. Indeed, the mind of the author—if the volumes before us have not, as we much suspect, more than a single father—appears to be singularly constituted. He is candid and fair, for the most part, in the inferences which he draws from facts within his own knowledge; but he swallows with the utmost credulity the grossest calumnies derived from other sources of information. We will not make such a charge without proving it. His personal experience appears to have

been confined to the Presidency of Madras, when he served for some years as a Subaltern in H. M. 55th Regiment. The scene of the story which he tells in the following words, is laid in Bengal. 'Nous avons parlé du sort du Rayot, de l'existence precaire 'de hautes classes, de la destruction des classes moyennes. Les 'princes et les rois sont-ils plus heureux? En 1840 l'héritier 'presomptif de la couronne de Burdwan (Rajah Pertab Chund) 'est emprisonné et traité comme un imposteur, parcequ'il 'réclamme l'héritage de ses pères, qu'on a vendu impudemment à 'un de ses oncles: c'est une restitution de plus de 25 millions de 'francs (100 lacs de roupies) que le gouvernment aurait à lui 'faire, et comme on ne veut point payer, on entame un procès.' —(Tome iii. p. 255.)

Now, in the first place, the Rajah of Burdwan has no more pretension to a Crown than any great landholder in England or elsewhere. He is simply a Zemindar, paying a very large revenue to the Government; and deriving from his estates, in addition, an income nearer, we believe, L.300,000 than L.200,000 per annum. Neither is there any uncle in the case, nor was the inheritance sold. The facts of the case are these. Pertab Chund, the only son and heir of the Rajah of Burdwan, died during the lifetime of his father. He left no children, and the widow of the old man eventually adopted a son—an everyday occurrence under the Hindoo law—who succeeded to, and now enjoys the property.

About the end of the year 1835, being fourteen years after Pertab Chund's decease, one Alik Shah, who had been a Fakeer, or religious mendicant, made his appearance in the part of the country where the Rajah's estates are situate, and represented himself to be Pertab Chund; having, as he stated, simulated death, and dived away to a distant boat, when his body was washed in the Ganges, preparatory to its being burnt. He had then, he said, retired to ascetic mortification, in order to expiate the vices of his youth, but was now come to reclaim his rights. He gathered round him a band of two or three hundred armed vagabonds, and greatly disturbed the peace of the country. He was warned by the magistrate, and told that his proper course, if he really were the Rajah of Burdwan, was either to represent his case to the Government, or to institute a suit in a court of law. Disregarding these admonitions, and continuing to disturb the peace, he was taken up, tried on a charge of 'fraudulent per-'sonation,' convicted, and sentenced to imprisonment. On his release, he played the same game over again—gathering a more formidable force, and entering into correspondence with the chiefs of the wild tribes inhabiting the hills and forests bordering upon

Burdwan. On this occasion, a military force was required for his apprehension, and two men lost their lives in the affray that ensued. He was again convicted and imprisoned. What has since become of him, we do not know. There is no doubt of his being an impostor; but whether he were so or not, the British government had not the smallest interest in opposing his claim to the Zemindary of Burdwan, if he could establish it by any peaceable course. Secure of its revenue, from the immense surplus value of the estates, it is a matter of utter indifference to the government whether A or B be the Zemindar who pays it; and the statement that in this case, if the claimant had succeeded, the government would have had to make restitution of a million sterling, is pure fiction. The government had not received a farthing more than its revenue, as settled in 1793, and had nothing to refund to any one.

There is another case, still grosser if possible, in respect to the facts of which M. de Warren ought to have been better informed. He states (Tome i. p. 141,) that the Nizam made certain cessions of territory to the British government—'pour 'lesquels elle s'engageait à payer un tribut annuel, fixé d'abord 'à 50,000, puis à 70,000 livres sterling, mais dont le Nizam ne 'toucha jamais un centime.' The truth is, that the stipulated rent or tribute was regularly paid to the Nizam, up to 1823, when a large sum being necessary to relieve that prince from his debts, the tribute was redeemed by the payment for that purpose of L.1,166,666.

These are, perhaps, the worst cases of positive misrepresentation, but there are many serious instances of *suppressio veri*, or *suggestio falsi*. Thus the Great Mogul is spoken of as fallen lower than one of his slaves, and as having insufficient alms doled out to him grudgingly (vol. iii. p. 69),—the said alms being L.150,000 per annum; and all this, as if the British government had deposed and degraded him! But the truth is, that fifteen years before a British army approached Delhi, the eyes of Shah Aulum, the reigning Emperor, had been put out by one of his own servants, who plundered the palace, and brutally stripped the females of the family of all their valuable ornaments. Immediately afterwards, Shah Aulum fell into the hands of Scindia, by whom, says Mr Mill, 'though the Emperor 'was allowed to remain in the fort of Delhi, with the nominal 'authority over the city and a small district around, he was held 'in a state of poverty, in which not only the decencies, but 'almost the necessaries of life were denied to him and his 'family.' In a like spirit, among the state prisoners detained at Benares is named 'le Nawab de Ferozepour, dont le père a

récemment péri sur un échafaud;'—no mention being made that the said nawab had been convicted upon the clearest evidence, and after the most patient judicial investigation, during the administration of Lord Metcalfe, of having suborned the assassin who murdered the Commissioner of Delhi, Mr William Fraser, the intimate friend of the nawab's deceased father; on the sole provocation, we believe, that Mr Fraser had reported to the government that a younger brother of the nawab was entitled to a certain appanage for his support. It is not the least of the great debts which British India owes to Lord Metcalfe, that he had the courage to order the execution at Delhi, the principal seat of the Mahomedan population, of this Mussulman malefactor, a chief of the highest rank. This was written whilst Lord Metcalfe was enduring the agonies of the fearful disease which drove him from the post of public duty, and lately terminated his invaluable life. In him England has lost, whilst his intellect was still in its fullest vigour, the services of a statesman of the most enlarged and liberal views,—sagacious in council, and indefatigable in labour; and combining, in a high degree, the will to decide, and the courage to execute, with a love for his fellow-creatures as warm and generous as it was comprehensive. It was, indeed, a marvel even to those who knew him best, how the same man could exhibit a tenderness almost feminine, a boldness in the path of duty which no danger could dismay, and that patient endurance of the most severe sufferings which so brightly adorned the closing scenes of his existence.

We have already stated that M. de Warren's work contains some truth. We are especially bound to admit this, because he has paid us the compliment of literally translating many pages of his statements—respecting the constitution of the Company, and of its Civil Service, the finances of the Indian government, the Supreme Courts of the three Presidencies, and other subjects,—from Articles in this Journal. And he has borrowed, not merely our facts, but our opinions, without the slightest acknowledgment; though he says in his preface, that, while profiting by the researches of others—'J'aurai soin de rendre à César ce qui 'appartient à César, et de payer l'obole qui leur est due aux 'pionniers de la pensée. Je serai plagiaire, mais avec loyauté; 'si je puise dans bien des sources, je les nommerai toutes.' But we are too glad to find that additional circulation has thus been given to the truth, not to rejoice at the republication, whatever we may think of M. de Warren's piracies.

This adoption of our sentiments by an author who admires

nothing beyond the power of the British Empire in the East, and the skill of what he terms its Machiavelian policy, is at least a proof that we have not failed to expose the defects of our Indian administration. We believe, indeed—and upon that point we shall shortly join issue with M. de Warren—that our government is a glory to England, and a blessing to the people whom Providence has subjected to our sway. But this conviction is widely different from optimism. We know that our institutions and our executive administration are capable of great improvements; we feel that the superiority of our government to that of our ignorant and vicious predecessors, is very poor ground for self-complacency; and we feel, too, that the time is fast passing away, if it have not already passed, when *res dura, et regni novitas*, could fairly be pleaded as an excuse for doing nothing, or even for doing less than the exigencies of the case demand at our hands. Holding these opinions, we are very far from desiring that either the excesses or the shortcomings of our delegated sovereignty should be kept out of sight. On the contrary, we have, on frequent occasions, frankly exposed them, in order to their correction and remedy. In the same spirit, we hail with satisfaction the proof afforded us by the present volumes, and by what we have heard of their effect, that the attention of the public mind on the Continent has been directed to our Indian administration. It is well that we should be made aware that we are watched by our neighbours, and that we should know what they think of our doings. Misrepresentations like those which we have given samples of, are easily exposed and refuted. They will not, indeed, obtain credence from any one who has the least knowledge as to what our general conduct in the East has been. But all thanks to friends or foes on the Continent, if they will aid us in exposing political crimes, the errors of our administration, and the defective discharge of our obligations towards our Indian fellow subjects. They cannot denounce, for example, the seizure of Scinde more indignantly than we do; they cannot urge more strongly than we have done the shortcomings of our administration of civil and criminal justice; the evils of over-assessment of the land revenue; the former injustice of our commercial tariff; and the very insufficient returns which we have made in the shape of either material or intellectual boons to the people, from whose native resources and patient industry we have derived such vast benefits.

We return, therefore, to the examination of M. de Warren's work, in no temper to take offence at his statements, however

wide many of them are of the truth. We shall enforce his charges when they are just; we shall endeavour to refute them when we think them unfounded.

The first part of the work before us contains the journal of M. de Warren's proceedings during his sojourn in India; interspersed with occasional reflections on the social or political circumstances which fell under his observation. With this we shall scarcely meddle. Our business is with the last part, in which, after explaining the constitution of the East India Company's Government at home and abroad, and the state of its finances, M. de Warren proceeds to discuss certain questions which he proposes, in order to ascertain the condition of the people of India under the British dominion, the real extent of the power by which that dominion is upheld, and the hazard of its being overthrown, either by domestic insurrection, or by the invasion of Russia. On the consideration of this last problem, we have no wish, as we see no need, to enter at present. It has often been discussed heretofore, and, as it appears to us, with very small profit. When danger really menaces from the quarter indicated, we have no misgivings as to either the spirit or the ability of Great Britain to face it with success. Our author disposes of the matter, indeed, somewhat in Captain Bobadil's vein :—'twenty more, kill them; twenty more, kill them.' The Russians are to meet us near the Indus, and to drive us from thence, at the point of the bayonet, into the sea, with no further trouble than that of overcoming, by means of superior numbers, the 'resistance terrible, héroique,' which M. de Warren admits that they will meet from the comparative handful of British infantry which we shall be able to bring into the field. As to the Sepoys, the Russian army 'marchera sur cette canaille sans la compter.' Of these troops, M. de Warren speaks throughout his work with the most unmitigated scorn. He states that they especially disgraced themselves in Scinde. We derive some comfort, however, from finding that the opinion of Sir Charles Napier, who must know something about the matter, is not quite so unfavourable. In his recent speech on the occasion of distributing the Meeanee Medal, he said—'The pleasure of giving 'you these medals, soldiers of the 12th regiment, (native infantry,) 'is indeed great to me. I saw your valiant conduct, and rejoice 'in distributing the reward which you honourably earned; and 'my satisfaction is increased by the presence of so large a body 'of Europeans, for it affords me an opportunity of saying to my 'countrymen, that they will find those swarthy warriors of the 'East stanch and true in action, as they were at Meeanee and 'Hyderabad, when they followed the example set them by the

'glorious 22d regiment. They will fight to the last drop of 'their blood, and stand or fall by the side of their European 'comrades.'

But we feel it to be a question of far greater and more immediate importance, whether our government be a blessing or a curse to the millions over whom it rules. Let us then consider the question proposed by M. de Warren—'Quelle est la 'position de l'Inde sous le rapport de la prosperité matérielle et 'positive? A-t-elle ou non à regretter les gouvernemens divers, 'Affghans et Mogols, qui ont précédé celui des Anglais? A-'t-elle l'espoir d'une amelioration quelconque dans l'avenir?'

M. de Warren rejects with contempt, as an 'assertion singu-'lièrement légère et hasardée,' the opinion advanced by M. de Jacigny, 'que les peuples de l'Hindostan jouissent aujourd'hui 'de plus d'independence relative, de repos, d'aisance, et de 'bonheur, qu'ils n'en avaient eu en partage pendant dix siècles.' What happiness, asks M. de Warren, can there be in a land where mothers are driven to sell their children for a morsel of bread? Does he think there were no famines in India before the establishment of the British government, or that they have been more frequent and fatal under its sway? Does he not know that a failure in the periodical fall of rain is the primary cause of these fearful calamities, which have been so lamentably frequent at every epoch of Indian history? and that the effects of this natural cause have been greatly aggravated by that state of agricultural society, where the whole length and breadth of the land is divided and subdivided into little tilths, on each of which a Ryot's family is absolutely dependent for subsistence; and that the investment of any considerable capital in farming, and the employment of labour for hire, are equally unknown? For this state of things the British government is in nowise answerable. It existed for unknown centuries before we acquired dominion in India; and we could no more change it to any material extent than we could roll down the Himalayas into the ocean. No doubt, if there were more canals and reservoirs, the cultivators would be less absolutely dependent upon the annual rains; if there were more and better roads, the abundance of one part of the country might more easily supply the deficiency of the district where the crops have failed. But the misfortune is, that owing to the circumstances just mentioned, when there is corn, the famishing Ryot has not the means of purchasing it. When his cattle, almost worthless from want of fodder, and the silver ornaments of his wife and children, are gone, what remains wherewithal to buy food? The wealthier and more provident struggle through; of the rest, those who have most energy

wander to distant provinces in search of subsistence; the feeble remain to perish, if they be not sought out and fed by the government. But it is extremely difficult to bring food home to the doors of such a population. The attempt has been made, earnestly and liberally, in all recent cases of the failure of crops. In the famine which afflicted the north-western provinces in 1837-38, the government employed very large sums in supporting the destitute. Still we fear that many perished. They are a feeble and helpless race. They are fatalists in creed, and to a great degree in practice; and they lie down and die, without an effort or murmur, under circumstances which would only stimulate a European to more energetic exertion. As regards measures of prevention, we confess with regret that the British government has not sufficiently discharged its duty, in respect either to works upon a great scale for purposes of irrigation, or to roads; though M. de Warren extravagantly overstates this neglect when he says, that in consequence of it, 'la culture 'disparait, les populations périssent, et le pays retourne enfin 'au désert.' So far is this from being the case, that (as we have proved on former occasions) cultivation has enormously extended itself under the British rule. We make no boast of this: it is the natural effect of the long immunity from the miseries of war and anarchy, which our subjects have enjoyed; and the consequent rapid increase of population in a land where every man marries. M. de Warren is just as much in error when he reduces his general invective to a particular charge. None of the old canals in the neighbourhood of Delhi, which we found choked up by years of neglect, remain in that condition. They have all, long since, been opened, with a better effect, however, upon the cultivation than upon the health of the people. In some places a pestilent malaria has followed the flow of water. The Doab canal, the progress of which Lord Ellenborough suspended, is not, as our author alleges, a restoration of an old Mahomedan work, but a new one undertaken by the British government. It ought to have been finished years ago. Other works of a like nature have long been called for, and that not merely by considerations of humanity, in order to ward off drought and consequent famine, but for the improvement of the public revenue. They would make an abundant return in a financial point of view. But there is a vast difference between shortcomings of this sort, and such gross neglect of palpable duty, as M. de Warren has charged upon the British government. It does not appear to have occurred to him that the state of things which he alleges to exist, is quite incompatible with that increase of the land revenue, which, in another part of

his work, he shows to have been progressive. In painting the British government, M. de Warren is bound to lay on his colours with some little consistency. If that government be so well served, so able, and so powerful, as he uniformly represents it,—how can he believe that it is at the same time so consummately foolish as to destroy, by the grossest neglect and mismanagement, the main source of its wealth?

Another argument which M. de Warren brings forward, is the dilapidated condition and depopulation of the great towns. But the truth is, that coupled with the undeniable increase of the population, these circumstances are a proof of comparative good government, peace, and prosperity. During the century of anarchy and misrule which followed the death of Aurungzebe, the people of India lived in large towns, or fortified villages, simply because they could live in safety to life and property nowhere else. It was exactly the state of things described in the song of Deborah:—'The highways were unoccupied, and 'the travellers walked through byeways. The inhabitants of the 'villages ceased: they ceased in Israel, until that I, Deborah, 'arose, that I arose a mother in Israel.' Under the British government, as under Deborah, the people are 'delivered from 'the noise of archers, in the places of drawing water.' They plough their fields without laying sword and matchlock in the furrow, and they reap their harvest without paying *black-mail* to the Mahrattas. Consequently, the whole face of the country is studded with open villages and hamlets. There is not a single village within the British provinces, over the once strong walls of which you might not drive a flock of sheep. There is now, therefore, no longer any inducement to live in cities, which were once, indeed, the seats of Empire or of local government, but of which the importance has long since passed away. We apprehend, however, that Calcutta, with its surburbs, is more populous, and certainly far more wealthy, than any city which ever existed in India. The same, as respects wealth, may safely be said of Bombay. And if the people, following the pursuits of industry, are spread in peace and safety over the face of the beautiful country which God has given them, it is surely the most sickly sentiment to mourn over the fallen columns and grass-grown streets that alone remain to mark the sites of former capitals, which the course of events has given back to the herdsman or the ploughshare.

It would, of course, be absurd to expect any strong or enthusiastic feeling in favour of a government of foreigners. Patriotism, in relation even to their own rulers, is a sentiment unknown among the people of India. It is something if the industrious

classes, pursuing their callings in peace and with profit, feel that our government stands between them and anarchy and spoliation. But we must not rest satisfied with this their present impression. In time, even the frightful invasions of the Mahrattas and Pindaries, and the oppression of their own tyrannical governments, will be forgotten; and the merits of our dominion will no longer be judged of by comparison. It will be ruinous, and no less disgraceful to us, to rest satisfied with being better than predecessors so atrociously bad.

We now proceed to consider another class of M. de Warren's charges against the British government of India;—charges which, no doubt, have some foundation in truth; and to which, if they had been advanced some years ago, it would have been impossible to give a satisfactory answer. The charges are, first, that to please our manufacturers, we open the ports of India to the products of Great Britain at a duty, almost nominal, of 2 or 3 per cent, ($3\frac{1}{2}$ is the correct sum,) whilst the manufactures of India are charged from 30 to 1000 per cent on entering Great Britain; and that, secondly, to gratify more favoured Colonies, the raw produce of India is almost excluded from the markets of England. 'Pour 'protéger le fermier qui émigre au Canada, le blé de l'Inde se 'voit frappé d'un droit de trente pour cent. Pour satisfaire aux 'exigences, gorger l'avarice de colons Anglais des Antilles, le 'café, le coton, la laine, le teck, la graine de lin, la soie, la 'cochenille de Calcutta, de Madras, et de Bombay, doivent 'payer cent, deux cents, trois cents pour cent. Enfin le tabac, 'une des plus riches recolts de l'Inde, est imposé au-dela de 'trois mille pour cent. C'est-à-dire, que pendant qu'on oblige 'l'Indien à nourrir l'industrie Anglaise en acceptant ses produits, 'on refuse tout débouche à la sienne.'—(Tome iii. p. 93-4.)

We will comment upon these charges in their turn, premising that our opinions in respect to some of them were very frankly expressed in an Article upon the 'Wrongs and Claims of Indian Commerce,' which appeared in the Number of this Journal for January 1841. But unfortunately for M. de Warren, all the really existing wrongs had been redressed before his work was published, and not a few of those on which he has insisted never had any existence beyond his own imagination.

First, as to our treatment of the manufactures of India, stated by M. de Warren to have been 'persecuted, ruined, 'annihilated by the vexatious competition of those of Great 'Britain.'—It is quite true, that till Sir Robert Peel's amendment of the Tariff in 1842, the cotton goods of India (out of all comparison her principal manufacture) were charged 10 per

cent on entering Great Britain, whilst British goods of the same sort were admitted into India at a duty of 3½ per cent. But this, though unfair in principle, inflicted no real injury upon India, except, perhaps, as regarded a very small quantity of the finest muslins of Dacca; because, as the manufacturers of Manchester could undersell the weavers of India in India itself, after paying all the charges of the voyage, and a duty of 3½ per cent, it was obviously impossible that the manufactures of India could find a sale, even if freed from all duty, in the markets of England. When England exported, so long ago as 1837, more than sixty-four millions of yards of cotton cloth to India, (being about a yard for every man, woman, and child in the British dominions there,) besides cotton twist and yarn to the value of L.602,000, what hope was there that the feeble handloom should cope with the steam-engine and the spinning-jenny in their own strong-hold?

As the inequality of duties, therefore, was merely nominal, it is quite clear to us, in spite of the high authority of M. Thiers, (who says that 'L'Inde, sous le sceptre de l'Angleterre, n'est 'plus q'une conquête ruinée par les progrès de l'industrie 'Européenne,') that the people of India are greatly benefited by being clothed chiefly in the manufactures of England. If, indeed, they were so fortunate as to live under the paternal rule of country-gentlemen of their own swarthy complexion, they might, doubtless, enjoy the gratification of protecting native industry, and of paying at the same time a very high price for their apparel. And it is certain that when we exposed their weavers to competition, we were seeking solely our own ends. But after what we have recently done at home, we may claim credit for sincerity when we declare our conviction, that whatever the motives of the original boon, British India may be congratulated upon being at liberty to purchase one great article of her wants in the cheapest of all markets. In avowing this opinion, we happily have no recantation to read. We expressed it quite as broadly in the Article above cited, nearly six years ago.

In that Article, we confessed 'that British India has been 'treated in regard to the silk manufacture with uniform selfish-'ness and injustice.' Up to 1826, the handkerchief pieces of India—judging by the demand for them—were actually contraband. Yet, thanks to the smuggler, they were in universal use; and it will be remembered that, upon a celebrated occasion, Mr Hume brandished one of these prohibited articles before the House of Commons, in open defiance of the penalty. In 1826 the duty was fixed at 20 per cent, whilst the silk manufactures of England were admitted into India at 3½ per cent. And this most unjust

inequality was continued up to 1842, when the duty was reduced to 5 per cent, being still $1\frac{1}{2}$ more than the Indian duty on our own goods. The increase of importation that has taken place since 1826, proves what extreme injury the prohibition and the subsequent high duty must have inflicted upon the people of India. The number of pieces which we imported was 183,464 in 1831, 381,229 in 1835, 546,826 in 1840, and 727,563, in 1845. On the average of the five years from 1835 to 1839, these pieces, after being printed in England, were re-exported to France, to the annual value of L.151,440.

India has no other manufactures suited for exportation. As regards those of silk and cotton, we confess that the conduct of Britain has been ungenerous; but M. de Warren's charge that we have burdened the manufactures of India with duties of from 30 to 1000 per cent is an absurd exaggeration. Yet it is true that we for many years sought our own narrow and short-sighted ends. But if, as we are firmly convinced, the principles of free-trade are founded on truth, we have done the people of India no wrong, but a benefit, in respect to cotton goods. To her silk manufacture, with the exception of a miserable difference of $1\frac{1}{2}$ per cent, which Sir Robert Peel insisted upon retaining, in spite of remonstrance, we have done tardy justice. In the particular branch (handkerchief pieces) to which her industry is almost entirely confined, it would seem from the facts above stated, that British India is likely to contend with success against our vast superiority in capital and machinery. We are not prepared to give a reason for this single exception to the general rule. We rejoice that it is so, though it is not the less our settled conviction, that whilst we are bound to allow the fairest field of competition in such a case as this, it is the interest of the people of India to supply our great workshop, with the produce of their teeming soil and sunny climate, in return for those manufactures which circumstances enable us to afford cheapest and best.

Let us now turn to the second charge. 'Même les produits 'bruts qu'un sol fertile et une nature généreuse accorde avec pro- 'fusion au labeur de l'agriculteur Indien, qui sufiraient à eux seuls 'pour fournir *à tous les besoins de l'Europe*, pour enrichir à la 'fois la colonie et la métropole, sont repoussés, presque prohibés, 'pour faire place sur les marchés de l'Angleterre aux productions 'de colonies plus favoriseés.' If this statement be true, or near the truth, we are guilty of crying injustice; because when we exercised our sovereign power to make the markets of British India a field for the competition of our cotton and silk manufactures, with those which had been for centuries the staple

products of that country, we placed ourselves, by that very act, under the strongest obligations to lay no discriminating duties, for the benefit of our possessions in the West Indies or elsewhere, upon its raw produce.

Up to 1836, we were guilty of this gross injustice, in respect to the great staple of sugar; that article—the produce of British India—being charged 8s. per cwt. more than the produce of the colonies of the crown. A corresponding grievance as respects rum, which operated as an indirect tax upon sugar also, was not redressed till 1841. The following table, by showing the increase of production as soon as the burthen was removed, affords us a measure of the extent of the injury inflicted upon the industry of our native subjects, by the favour manifested to the West Indies. Imports of sugar from British India—

Average of five years from 1831 to 1835, under discriminating duties.	Average of five years from 1841, to 1845, under equalised duties.
Cwts.	Cwts.
142,237.	1,156,773.

We are persuaded, that in spite of the recent alteration in the sugar duties, the production of British India will continue to increase. British capital has been flowing for some years in that direction; the best machinery has begun to supplant the rude contrivances of the natives; and the effects, we will venture to predict, will soon make themselves felt, not only upon the markets of England and of the world, but on the slave-trade also. British enterprise and ingenuity, backed by the unlimited free labour of India, will do more to put down that accursed traffic than all the cruisers of all the confederated powers. We trust, however, that the British West-Indies, largely supplied with free labour, will be co-adjutors in this righteous struggle.

M. de Warren does not enumerate sugar or rum among the articles unfairly weighed in the race of competition. It is true, that the additional burthen had been removed before his work was written, but this was equally the case in regard to tobacco, on which he insists with especial emphasis. But the wrong in that instance was comparatively trifling. The tobacco of India did pay, until Sir Robert Peel's alteration of the tariff, 3d. per pound (3s. to 2s. 9d.,) more duty, than the tobacco of British America and the West Indies. But very little ever came to England from the one quarter or the other. Our supply was always drawn, as it is still, from the United States, Cuba, and South America. With these countries, British India was always,

as she is still, upon an equality in our Tariff. And now all other British possessions have been placed on the same footing. The three thousand per cent of which M. de Warren speaks, (fourteen hundred is the real maximum of the worst times,) is unjust to our own people, and a premium to the smuggler; but it is not partially unjust to our Indian fellow subjects. An enormously high duty is imposed, unwisely as we think, upon the plea of fiscal necessity; and India, as a part of the British Empire, must bear her share of the evil consequences of the folly of past, or fast passing generations.

Having admitted, therefore, the real grievance in bygone times with respect to sugar and rum, which M. de Warren does not mention; and the apparent wrong in the case of tobacco, which he brings forward on the ground of the enormity, not the inequality, of the duty, (and in fact the favoured colonies never found it worth their while to grow tobacco for our market,) there remains only wheat in his long list, in regard to which he can say with truth that the produce of British India was unfairly burdened, in order to protect the farmer of Canada. It is no defence against such a charge to say that our Australian and other colonies were treated no better. But the injustice, which has at last been redressed, was not to any extent a practical one. We do not believe that under any circumstances India will send us any considerable quantity of corn. The great length and heat of the voyage (crossing the equator twice) forbid it. All, or almost all, the wheat that has at any time come, has been intended not for human food, but to furnish glaze for some of our cotton manufactures; for which the large amount of gluten which it contains peculiarly fits it. Of course, when imported freely for this purpose, it will release a corresponding quantity of wheat better suited for ordinary consumption.

There only remain for consideration the articles of coffee, cotton, wool, teak-timber, linseed, silk, and cochineal, which M. de Warren enumerates as loaded with excessive duties, in order 'to gorge the avarice of the British colonists of the 'Antilles.' It is sufficient to state in reply to this charge, that these articles are either not produced in the West Indies at all, or, if produced there, or in other colonies of the Crown, have not enjoyed (since the duty on coffee was equalized in 1835) any advantage over the produce of British India, in respect to duty payable in Great Britain. It is remarkable, as respects two of these products,—wool and linseed,—that neither of them formed an article of export from India till 1833, when 3721 lbs. of wool and 2163 bushels of linseed were shipped. In 1840, the quan-

tity of wool had grown to 2,441,370 lbs., and of linseed to 207,869 bushels. In 1845, no less than 3,975,866 lbs. of wool were exported. From some cause, the exportation of linseed has not increased in like manner. In 1844, it was, bushels 237,960. In 1845, only bushels 186,624. As respects raw silk, till 1842, the produce of British India was not only not unfairly burdened, but was allowed an advantage in our tariff over foreign silk,—the duty being then at the enormous rate of 5s. 6d. and 4s. per lb. In 1824, the duty was reduced to 3d., and in 1826 to 1d. per lb. equally on all silk, wherever produced.

M. de Warren proceeds to demonstrate, that the short-sighted policy which he denounces, and which we have shown either to have been abandoned, or never to have been acted upon, has ruined the commerce of India. Both imports and exports, he says, have fallen off; and the tonnage employed in the trade has, of course, been reduced in proportion (tome iii. p. 95 et seq.) This statement is altogether unfounded. We have proved that within ten years the exports of sugar have increased by 50,000 tons. We have shown, too, that wool and linseed have become articles of export from India to a considerable extent. The following table will prove that in other important articles a corresponding increase has taken place :—

1831.	1835.	1840.	1844.	1845.
Cotton wool, lbs., 25,805,153	41,429,011	77,011,839	88,639,776	58,437,426
Coffee, lbs., 7,457,390		16,885,698	19,461,090	22,211,751
Castor oil, lbs., 343,373		1,190,173	956,048	1,734,845
Rum, gallons, 2,828		311,968	339,702	713,221

We cannot account for the short exports of rum in 1844 and 1845, compared with the exports of the three preceding years; which were, severally, gallons 1,006,712, 670,779, and 835,433; especially as the sugar exported in 1845 exceeded that of any preceding year. But even 1844 and 1845 show a vast increase over 1831, which appears to have been the first year of shipment. Of course, for the reasons which we have stated, there has been an enormous falling off, since the early years of the century, in the exportation of cotton piece goods. But for this, the people of India have received the double compensation, of a cheaper article of universal consumption, and of a greatly enlarged market for their raw produce. It is not, indeed, absolutely true, as was stated by Mr D'Israeli in the debate on the Sugar Duties, that the people of India had no clothes to their backs till we opened

our markets to their sugar; and that, consequently, we must expect them to relapse into pristine nudity as soon as we expose them to competition with the planters of Cuba and Brazil. That people was dressed in silk and cotton, when our ancestors had no better covering than a coat of paint. But it is certain that the condition of our Indian fellow-subjects has been greatly improved, by the more equitable, as well as more enlightened, commercial policy which we have adopted towards them of late years. And for the future, they need no partial favour, but simply even-handed justice.

The annexed Table will show the rapid manner in which the whole export trade of British India has increased within the last twelve years :—

Years.	Value of exports to United Kingdom. £	Value of exports to all places. £
1834-35	3,056 973	8,254,931
1835-36	3,975,303	11,352,838
1836-37	4,915,470	13,544,605
1837-38	4,353,822	11,593,794
1838-39	4,513,159	12,166,530
1839-40	5,969,951	11,384,390
1840-41	7,054,388	14,075,416
1841-42	7,120,748	14,415,264
1842-43	5,394,212*	12 722,189*
1843-44	7,300,692*	16,621,416*
1844-45	5,368,679†	9,901,680†
1845-46		10,103,820†

It thus appears that the export trade of Calcutta and Bombay in 1843-44 was more than double that of the three Presidencies in 1834-35; and that the produce shipped from Calcutta alone in 1845-46, exceeded in value by L.1,848,889 the exports from all India only twelve years before.

M. de Warren states, that he omits from his calculations opium and indigo, because they are manufactured by European capital in the hands of the servants of the Government, or of European colonists. 'Nous nous occupons ici,' he says, 'exclusivement 'des produits et des productions indigènes.' But this is a mere fanciful distinction. There is not a shilling of European capital employed in the cultivation of the poppy, or the manufacture of its juice; and, whatever may be thought of the morality of the traffic which supplies this poison to the millions of China, it is

* Calcutta and Bombay alone; no return from Madras.

† Calcutta alone; no returns from Bombay and Madras.

impossible to deny that it is a source of great pecuniary profit to India. In the growth of indigo a large amount of native capital is directly or indirectly employed; and, as respects that which belongs to Europeans, it is manifestly employed to the benefit of India, just as much as the capital of our native fellow-subjects, engaged in the same or any other process of combined agriculture and manufacture.

As respects the import trade of British India, M. de Warren gives us, on the authority of Mr Montgomery Martin, the following statement :—

'Si nous comparons maintenant les importations de toutes espèces et de tous pays, dans l'Inde, durant deux périodes de dix années chacune, nous trouvons—

	Rupees.
De 1816 à 1825, . .	Import, 91, 62, 20, 850
De 1826 à 1835, . .	79, 80, 92, 892
C'est-à-dire, sur les importations de dix années, une diminution de .	11, 81, 47,958.'

Taking the rupee at 2s., this statement makes the imports of India exceed nine millions sterling per annum during the former decennial period, and fall a little short of eight millions sterling per annum, during the latter. But both, especially the former, are absurd exaggerations, certainly more than double, perhaps nearly three times the truth. From 'Tables of Revenue, Population, &c.,' prepared for Parliament, (1820 to 1833,) it appears that the aggregate value of the gross imports of merchandise, into the three Presidencies of India, from Great Britain, Foreign Europe, North and South America, and the Eastern Islands, (thus omitting only Arabia and the Persian Gulf,) during the five years from 1816-17 to 1820-21, amounted to no more than L.12,936,162, or L.2,587,232, on the average per annum. From the same countries, together with Arabia and the Persian Gulf, the value of the imports during the five years from 1821-22 to 1825-26 (the last of M. de Warren's first series) was L.18,650,371, or L.3,730,074 per annum. We cannot conceive, therefore, where he, or rather his authority, Mr Martin, found the monstrous sums which he has put down. Even if the bullion imported from China, and the military stores sent out from England, were added to the merchandise as above, (in which, perhaps, the latter is already included,) the statement would still be excessive. The truth is, that allowing for occasional gluts, (as immediately after the opening of the trade in 1815,) and consequent reactions, the import trade of British India has gone on steadily increasing. This, the following statements will evince :—

Aggregate value of gross Imports of Merchandise at the three Presidencies.

1821-22.	1827-28.	1836-37.	1841-42.*
L.3,775,663	L.4,182,915	L.5,834,079	L.8,038,881

Value of Exports from Great Britain to India.

1831.†	1836.	1840.	1843.	1844.
L.3,377,412	L.4,285,829	L.6,023,192	L.6,404,519	L.7,695,666

'Si nous passons,' proceeds M. de Warren, 'à l'article de la navigation, nous trouvons, en comparant deux periodes de dix-sept années, pour le tonnage de toutes les nations entrant au port de Calcutta:

	Tonneaux.
De 1802 à 1818, . .	2,632,653
De 1819 à 1835, . .	2,440,471
Diminution, . .	192,182

'C'est-à-dire que sur la dernière periode de dix-sept années, la navigation a diminué d'environ deux cent mille tonneaux. A Madras, de 1830 à 1835, la diminution a été de vingt-six mille huit cent trente tonneaux. Ce n'est qu'à Bombay qu'il y a eu une legère augmentation de sept mille trois cent quarante et un tonneau dans la même periode de cinq ans.'

M. de Warren has got his figures, in this instance, from some authority which misleads him as much as Mr Martin has done in others; but he has shown some dexterity in the selection of the periods of comparison, as respects Calcutta. For the first term includes the years of over-trading, which followed the opening of the ports of India in 1815; the latter, not only the period of reaction after that excitement, but the calamitous years from 1830 to 1833, during which occurred the failures of all the great Agency houses in Calcutta, and of many of their Correspondents in England. And he has stopped short at 1835, though his work purports to be an account of the state of British India in 1843-44, the year 1836 showing an increase of tons 45,307 upon the preceding year. Still, he is wrong as to the fact of decrease, and far wider of the truth in regard to the actual amount of tonnage. We have now before us a statement, compiled from the most authentic sources, which shows that the

* There are no later returns of imports from all nations.

† The return for 1831 includes exports to China, so that the real increase of exports to India is greater than the apparent.

amount of tonnage which entered inward at the port of Calcutta was as follows:—

Aggregate from 1802 to 1818.	Aggregate from 1819 to 1835.
Tons.	Tons.
1,519,993	1,756,538

If M. de Warren's statement be intended to embrace the entries outward as well as inward, it is at least a million of tons under the truth, in regard to the term from 1819 to 1835. Leaving him to reconcile these discrepancies, we are able to state, that the tonnage of the nine years from 1836 to 1844 amounted to 1,742,783 tons; being only 13,755 tons less than the tonnage of the seventeen preceding years. The following returns will show how great the increase has been at Calcutta, during the present century.

1801.	1811.	1821.	1831.	1841.
Tons.	Tons.	Tons.	Tons.	Tons.
52,949.	87,124.	102,864.	89,284.	266,113.

We have not been able to obtain a return from Madras, which is of the less consequence, as the commerce of that port is very small when compared with Calcutta, even with Bombay. As regards the latter port, we cannot understand with what period M. de Warren intends to contrast the five years (six?) from 1830 to 1835. But the following is a correct return of four sexennial periods.

The amount of tonnage which entered inward at the port of Bombay.

1821 to 1826.	1827 to 1832.	1833 to 1838.*	1839 to 1844.
Tons.	Tons.	Tons.	Tons.
287,945.	358,999.	444,401.	779,421.

We are not, however, satisfied, according to M. de Warren, with ruining both the manufactures and the commerce of British India. We have gone a step further in the process of exhaustion. We have robbed our great dependency of the precious metals necessary for her circulation. ‘ Non, il n'y a aucun espoir ‘ pour l'avenir, car les métaux precieux, dernière ressource d'un ‘ commerce aux abois qui pourraient au moins servir d'intermédi- ‘ aire entre les magasins des conquerans et les besoins de l'Asie

* Up to 1829, the port of Surat is included, so that the real is greater than the apparent increase.

'Centrale; ces métaux précieux ont disparu, et disparaissent en-
'core de jour en jour. L'Inde, qui autrefois était comme un
'abîme où venait s'engloutir tout l'or de l'Europe et de l'Asie,
'non seulement a vu tarir les sources qui le lui portaient, mais
'est maintenant obligée d'en fournir continuellement pour satis-
'faire aux exigences de son impitoyable maîtresse. Montgomery
'Martin calcule que, toutes déductions faites, la quantité absolue
'des métaux precieux exportés en Angleterre, uniquement pour
'le compte du gouvernement de la Compagnie, entre les années
'1811 et 1834, se montait à 7,976,819 livres sterling, (200 mil-
'lions de francs,) ce qui n'était qu'une faible proportion de la
'quantité exportée comme marchandise pour le compte des indi-
'vidus.

'Mais, dira-t-on, tous les dollars que l'on tire aujourd'hui de
'la Chine en échange de l'opium doivent combler le déficit dans
'le numéraire en circulation dans l'Inde. Il n'en est rien, car la
'Compagnie enlève ces espèces des Canton et Macao en échange
'de traités sur le trésor, qu'elle acquitte avec de nouvelles car-
'goisons d'opium, et les dollars sont embarqués directement pour
'l'hotel des monnaies à Londres. La situation de l'Inde, dit
'Montgomery Martin, peut être comparée à celle d'un individu
'qui serait privé de nourriture, et auquel on retirerait journelle-
'ment du sang par des saignées. Que doit-il attendre? L'atro-
'phie, les convulsions, la mort.'—(Tome iii. p. 257-9.) This is the most egregious of all the blunders into which M. de Warren has fallen; and here again the pitfall has been dug for him, as the above extract shows, by the precious statistics of Mr Montgomery Martin.

M. de Warren, it will be observed, states, that between the years 1811 and 1834, the quantity of bullion exported from India to England, on account of the Company alone, amounted to L.7,976,819, and that this sum bears but a small proportion to the amount remitted on account of individuals. We understand him to mean by 'la quantité absolue,' the net exports, after deducting imports. But there is no need to tie him down closely to his expressions. The facts of the case are utterly at variance with his allegation. We have before us a Parliamentary Paper, dated 27th May 1842, which gives in detail the import and export of the precious metals into and from British India, between the years 1814-15 and 1839-40. The aggregate results, at the three Presidencies during that period are as follows:—

Imports. Rupees.	Exports. Rupees.
69,21,14,489=L.69,211,448.	12,60,78,552=L.12,607,855.

It is probable, therefore, that M. de Warren is quite correct in

his statement of the amount of export. He has merely omitted to enter some 70 millions sterling on the other side of the account, and to strike a balance. We will not charge him with wilful misrepresentation. But his ignorance, or that of the Compiler, whose guidance he appears implicitly to follow, is the less excusable, because Mr M'Culloch, a more cautious and able instructor, has transcribed the Paper, which we have cited, in his valuable *Dictionary of Commerce*.

We are able, from other sources,* to bring the return down to a very recent date.

	Imports. Rupees.		Exports. Rupees.	
1840-41,	1,94,52,642	= L.1,945,264	47,05,231	=L.470,523
1841-42,	2,24,68,493	= L.2,246,849	53,11,421	=L.531,142
1842-43, (Only Calcutta and Bombay.)	3,45,69,537	= L.3,456,953	14,88,830	=L.148,883
1843-44, (Only Calcutta and Bombay.)	4,76,92,035	= L.4,769,203	67,46,147	=L.674,614
1844-45, Calcutta alone.)	1,58,65,013	= L.1,586,501	20,15,434	=L.201,543
	14,00,47,720	=L.14,004,770	2,02,67,063	=L.2,026,705

M. de Warren is as incorrect in his details as in his main fact. Very little, if any, of the silver bullion with which the Chinese pay for the opium of India, is remitted from Canton to London. It invariably goes to Calcutta and Bombay; the remittances from China to England being made in bills, covered by tea and silk. The truth is, and M. de Warren ought to have known it, that the absorption of the precious metals by India is one of the most puzzling of statistical problems. It has been so as far back as European knowledge of the East extends. The oldest travellers notice it. Nearly two hundred years ago, Bernier, in his Letter to Colbert, remarked, 'how that gold and silver, cir-'culating as it were upon the earth, comes at last to be swallowed 'up by this Indostan. But all this,' he proceeds, (that is, the many demands of India for the commodities of other countries,) 'makes not the gold and silver to go out of that empire, 'because the merchants at their return freight their ships with 'the commodities of the country, finding a better account by 'so doing, than if they should bring back money; so that that 'hinders not, but that Indostan proves, as we have said, a kind 'of abyss for a great part of the gold and silver of the world, 'which finds many ways to enter there, and almost none to issue

* Return made to an order of the Court of Directors of E. I. C., dated 2d July 1845, and Bengal and Bombay Annual Commercial Statements.

'thence.'* The marvel is, what becomes of such masses of bullion. Private individuals, Europeans returning home, and Mahomedan pilgrims journeying to Mecca, doubtless take with them some gold and silver, which escape entry at the custom-houses. But the aggregate amount of this must be very small. There is no outlet by land, except through the defiles of Affghanistan to the west, and the almost trackless forests of Assam and Arracan on the east. But the commercial intercourse with these countries has never been other than trifling. There remain only hoarding, and the undoubtedly great application of the precious metals to personal ornaments, to account for the disappearance of the vast sums which can be proved to have, both of late years, and for many previous centuries, been poured into India.

We have deemed it our duty to follow M. de Warren so closely through the most important—because the most elaborate and precise—of his charges against the British Government of India, that we have not left ourselves room for more than a passing notice of the more sweeping allegations which he has hazarded in disparagement of almost every branch of our administration. Of course, the charge so often, and so groundlessly advanced in this country, that the invasion of Affghanistan was dictated by views of territorial aggrandisement, is reiterated; with the aggravation that the government—'savait que dans les personnes de 'Shah Soujah et de ses fils, il importait dans ce malheureux pays 'tous le vices à la fois; qu'il plaçait sur un trône qui s'était puri-'fié sous Dost-Mahomed, toutes les iniquités de Sodome et de 'Gomorrhe, un monstre que les peuples dans leur dégout avaient 'chassé trois fois, et que trente ans d'exil sur la terre etrangère 'n'avait pas su corriger.' We believe, on the contrary, that Shah Soujah was a better man, and his sons, at any rate, not worse than the generality of their countrymen; whose abominable practices place them below all danger of being corrupted by any association. On the other hand, if there be any truth in Mohun Lal's account, Dost-Mahomed, whom M. de Warren greatly extols, is what would be called in any other land, a monster of iniquity. But as respects the more plausible charge of ambition, what could any man in his senses expect to find to gratify that passion, in barren and poverty-stricken Affghanistan? The British Government already possessed the fairest and richest provinces of Hindostan. Other kingdoms, only less flourishing because

* We have quoted the translation of Bernier in *Pinkerton's Collection of Voyages and Travels*, vol. viii. p. 134.

worse governed, were within its grasp, and completely at its mercy. To say nothing of the Punjab, it would not have cost Lord Auckland a month's time, and scarcely more than a month's income, to appropriate Oude and Berar, the dominions of Scindia, and those of the Nizam, with their many millions sterling of aggregate revenue. The letters of our residents at the court of Persia, Mr Ellis and Sir John M'Neil, who could have no imaginable interest in fomenting hostilities, prove beyond doubt, that the real object of the expedition was purely defensive. For such a movement, there may, or may not, have been sufficient occasion. That is a fair question for discussion, upon which we have already expressed an opinion. But it is sheer malignity or folly, to attempt to torture what at the worst was only a groundless apprehension of danger, into a lust of dominion, which, regarding the character of the country and its inhabitants, and its distant separation from our own territory, would have been at least as absurd as unprincipled.

We have not a word to say in defence of the seizure of Scinde. There never, indeed, was a quarrel more groundlessly 'picked' than that with the unhappy Ameers. They had not the smallest notion of confronting the British power. They knew well that such an attempt would be a mad rushing upon ruin. Had they contemplated hostility, they must have seen that the blow could have been struck with any hope of success, only when our resources were crippled for a moment by the disasters of Cabul. They resisted that temptation, if it can properly be called so, in relation to men who seem to have desired nothing but to be left alone to the quiet enjoyment of their hunting-grounds and their harems. It is alleged, that after the crisis was over, they engaged in treasonable correspondence with their neighbours. It is more than doubtful whether the intercepted letters were genuine. Admitting that they were so, no man with the slightest knowledge of the native character, and who was not seeking occasion for quarrel and spoliation, would have regarded them as ground for more than remonstrance and warning. An Asiatic can hardly resist this sort of paper intrigue. He engages in it, very often without the smallest intention of proceeding to action. If the British government had been prone to mark what has been done amiss in this respect, they would have dethroned and despoiled, long ago, every prince between the Himalayas and the ocean.

We have reaped the fitting reward of our injustice. The country so wrongfully gained is, and will remain, a millstone round our necks. It costs British India at least a million sterling per annum to maintain this outpost, of which we stand in no

kind of need. The climate is terribly destructive to our soldiers. The latest accounts are worse in this respect than any that preceded them. The population is so scanty, that even under the best government, and most favourable circumstances, many years must pass before the country can be adequately replenished. Its long and open frontiers on the north and west are peopled by fierce, predatory, and hostile tribes. It has not a single recommendation but those of fertile soil and water-carriage, which we possess in superabundance, for centuries to come, in our older territories.

We pass by M. de Warren's charge, that the British government used its influence to prevent the efficient administration of the affairs of the Punjab, after the death of Runjeet Singh, in order that it might profit by the weakness of his half-witted or profligate successors, and obtain some booty on the dismemberment of his Empire. What might have happened if Lord Ellenborough had remained in India, we will not venture to say. Lord Auckland certainly had no wish to seize upon the Punjab: and the signal proofs of good faith, and forbearance before action, and of moderation after victory, which Lord Hardinge has recently given to the world, entitle us to regard such allegations of ambition and perfidy as abundantly refuted by facts.

We entirely concur in almost all that M. de Warren has said respecting the evil consequences of the system which obtains at Lucknow, Hyderabad, and elsewhere, of supporting a worn-out native government by British troops, subsidised for that end. That system combines and aggravates all the faults of both British and native rule. The giant force of civilisation and discipline is employed to compel submission to the most abominable misgovernment. We are bound by treaty to furnish soldiers: we are under equally stringent obligations to permit the civil government to take its own absurd and barbarous course. So long as we maintain good faith towards the prince, we must witness in silence, or combat with unsupported remonstrance, the cruel oppression of the people. And without a breach of our engagements to the ancestors of the puppets—impotent for aught but evil—whom we alone maintain upon their thrones, there is no hope of escape from this miserable dilemma. The best interests of millions have been sacrificed for years on the altar of good faith to rulers utterly devoid of all sympathy with their subjects. Paradoxical as it may sound, absolute anarchy is really in these cases a thing to be earnestly desired. It would compel us to cut the knot, which we can never untie. The unhappy people see in this their only chance

of deliverance. Even M. de Warren, certainly no flatterer of the British government, says, 'Ces trois populations' (of Nagpore, Hyderabad, and Oude) 'attendent avec impatience et 'béniront le jour qui les réunira ouvertement au domaine de 'l'Angleterre.'

We have serious misgivings that the recent treaty of Lahore may place us in some such false position. Indeed, the British government has already consented to act the very part which has done so much mischief elsewhere. We have undertaken to protect the sovereign for a time against his natural protectors. At the close of that period, the infant prince will probably be no better able to stand alone than he was at first. If we leave him, we leave him to certain destruction. Having assumed the office of guardians, we shall not easily shake it off. And if we remain, and leave the whole civil government in the hands of the young Rajah, or rather of his mother and her paramours, we, in fact, undertake to give stability to all their profligacy and oppression. If, on the other hand, we attempt to direct and control the administration, as we did, for a time, both at Hyderabad and Nagpore, we shall be intrigued against and thwarted at every step by the nominal sovereign, and by all whom we should deprive of the profit of misrule; and shall be able, at the best, only to govern much worse than we do in our own provinces.

We must say a few words upon the much misrepresented land revenue, and the condition of the several classes connected with the soil. We have fully explained, on former occasions, that Rent was never private property in India;—that it was, in fact, the fund set apart, from time immemorial, to defray the expenses of the State. To represent the British Government as extortioners, or as taxing the products of the soil, because it does not give away to Zemindars or Ryots what never belonged to them or to their forefathers, taxing other parties to make good the deficiency, is absurd in the extreme. In M. de Warren's case this absurdity is aggravated by his inconsistency. He says in one place, (tome iii. page 221,) 'les produits du sol sont telle-'ment taxés, que l'agriculteur Européen qui entreprendait la 'culture d'une ferme, mourrait de faim à coté de son champ;' and in the next page, (222,) that 'Il est rare, qu'après douze 'ou quinze ans de travail, des indegotiens du nord,' (where the revenue is not fixed in perpetuity, and the rent paid to the state is much heavier than elsewhere,) 'ne se retirent pas avec une 'fortune modérée.' He is equally wrong in representing the native Zemindars as impoverished, and the Ryots as reduced to the verge of nakedness and starvation, by the system of land revenue.

We could prove, if necessary, and if space permitted, by the price for which Zemindaries (certainly not the most profitable ones) are sold by public auction for the recovery of arrears of revenue, that the difference between the actual rental and the demand of the State, is in general considerable. In many cases it is very large, and in a few (as in that already mentioned of the Rajah of Burdwan) enormous. That Zemindar has, we believe, a larger net income than any English landholder. The returns of the Court of Wards, which manages the estates of minor, female, or lunatic Zemindars, afford other means of ascertaining the average incomes enjoyed by landholders. From a Report of the Court, now before us, it appears that in ten estates under its management, the aggregate difference between the rental received from under-tenants, and the revenue payable to the government, amounted to L.33,607,—affording an average income of L.3360 per annum to the ten Zemindars. If the Zemindars in general had the knowledge and energy necessary for the improvement of their property, this surplusage might be vastly increased. That this surplusage exists in all cases is, in itself, a sufficient proof, that whatever be the cause of the depressed condition of the Ryots, or actual cultivators of the soil, it is not the excessive demands of the State, as is represented by M. de Warren. In fact, the Ryots are not, in any respect, in a better condition on those estates which pay no public revenue.

We think that M. de Warren has justly exposed (Tome iii. p. 263, *et seq.*) the absurdity of the British Government in establishing one college ‘ dont le but avoué est de faire de Savans ‘ et pieux Musulmans;’ and another, ‘ dont le but est absolument ‘ semblable à celui du college Mahométan, c'ést-à-dire de former ‘ pour les Cours de justice de la Compagnie, des conseillers ‘ Hindous savans dans les lois et la religion de Brahma.’ But then he has no right to censure that government, as he does elsewhere, for showing a want of consideration for the feelings and prejudices of the people; and, especially, (Tome iii. p. 291,) for having done nothing to soothe the irritation of its Mahomedan subjects. In respect to Education, at least, the true interests of the rising generation have been deliberately sacrificed (for protests have not been wanting) to a truckling spirit of conciliation. To please those whom we found the slaves of error, the State has undertaken to provide the means of teaching false religion, false morals, and false science, to their children. At the same time, the government is paying for the inculcation of truth—short of religious truth—in other institutions. Now, we do not think that it is the business of the government of British India to undertake the conversion of its subjects. We

believe that more of evil than of good would result from such an attempt. It is a work that should be left to private zeal and benevolence. But if the government cannot, from the circumstances in which it is placed, directly advance the cause of truth, it is solemnly bound not to afford the slightest aid towards the propagation of error. And it is the grossest cajolery to affect this respect for Mahomedan and Hindoo learning—religious and secular—whilst we are training up youths in other Seminaries, for the express purpose of stimulating and qualifying them to pull all such false systems down upon the heads of their fathers. It is dishonest in the extreme now to look one way and now another. It damages the character of the government; and the constant effort to keep up the imposition tends to retard that emancipation of the educated classes from the trammels of caste and superstition, which must prepare the way for the general triumph of truth.

As in the case of commercial grievances, M. de Warren is too late in denouncing the open homage to idolatry, at one time—we are ashamed to admit—paid by the British Government of India. The guns of our forts no longer thunder, as he alleges, in honour of 'les fêtes de la Dourgale et de la Kali, déesses de 'la lubricité, de la prostitution, et de l'assassinat.' Nor does the government still condescend, 'comme les Brahmes, exploiter 'la crédulité des pauvres Hindous, et vivre aux dépens de la 'pagode de Jagarnath.' From the worst of these abominations it has already shaken itself free; and every step that has been taken, of late years, has been in the right direction. We trust that erelong we shall be able to say, that whilst we accord the most complete toleration to the religions of our subjects, we take not the smallest part, direct or indirect, in their encouragement or support.

We must stop here. The field over which M. de Warren has expatiated is so extensive, that we have been compelled to confine ourselves to those of his general charges which appeared to us most plausible and most important. As regards both what we have done, and what we have omitted, our Continental readers will do us the justice to bear in mind, that an allegation may be made in a single sentence, the full refutation of which by facts and figures would demand pages. On the other hand, we feel that some apology is due to our English readers, for having travelled over much ground that must be trite to the well-informed upon Indian affairs; and for having filled our pages with answers to accusations, which even those but ordinarily acquainted with the character of the administration of our Empire in the East, must know to be utterly unfounded. But our chief aim has

been to disabuse the minds of those by whose patronage the work of M. de Warren has come to a second edition. And in our endeavour to vindicate the truth for their better information, we trust that we have been able to avoid, on the one side, that morbid sensibility which resents as national insults, mistakes or misrepresentations of our public character and conduct; and, on the other, that indifference to the opinion of our intelligent neighbours, which, in our judgment, little becomes those to whom God has committed a weighty and solemn trust, for the due fulfilment of which they are responsible both to Him, and to the great commonwealth of mankind.

Art. VII.—1. *Report of the Officers of the Railway Department to the Lords of the Committee of the Privy Council for Trade*—1844-5.

2. *Statistique Raisonnée de l'Exploitation des Chemins de Fer.* Paris: 1843.

3. *Dinglers Polytechnischer Journal.* Stutgard: 1844-5.

4. *Railway Legislation, with Suggestions for its Improvement.* By James Morrison, Esq. M.P. London: 1846.

5. *The American Railway Journal.* New York.

6. *Report of the Railway Gauge Commissioners.* London: 1846.

7. *Die Eisenbahnen Deutschlands Statistisch dargestelles.* Baron Von Reden.

8. *Eisenbahnbuch.* Von Reden.

9. *Grosse Eisenbahnkarte von Deutschland.* Von Reden.

10. *Railways, their Rise, Progress, and Construction; with Remarks on Railway Accidents.* By Robert Ritchie, Civil Engineer. 8vo. London: 1846.

When we consider the great material resources of this country, her progress in commerce, and the antiquity of her naval supremacy, we cannot fail to be surprised at the late date of her advancement in the important art of Internal Transport. Yet from the conditions of her topography there must always have existed the strongest incentive to improve the means of inland communication. All her great seats of manufacture are situate near her geographical centre. There, her soil teems with mineral wealth. There, inexhaustible sources of iron and coal abound. Yet, until within little more than fifty years from the

present time, England was among the most backward countries in Europe, in this branch of the industrial arts.

Until the middle of the last century, goods continued to be conveyed in Scotland on pack-horses. The time required by common carriers to complete even short journeys in populous districts would seem, to our present modes of thinking, absolutely incredible. Sir Henry Parnell relates, that the ordinary Carrier between Edinburgh and Selkirk, a distance of thirty-eight miles, required a fortnight for his journey, going and returning! In 1750, the Stage-Coach between Edinburgh and Glasgow took a day and a half to complete the journey. In the year 1763, there was but one Stage-Coach between London and Edinburgh, which started once a month from each place, and took a fortnight to complete the trip! The tract of ground crossed by the Liverpool and Manchester railway, on which thousands of travellers are now daily transported at a speed varying from twenty-five to fifty miles an hour, just seventy-five years ago, was travelled by Arthur Young, who has left us the following description of it:—'I know not in the whole range of language terms 'sufficiently expressive to describe this infernal road. Let me 'most seriously caution all travellers who may accidentally pro-'pose to travel this terrible country, to avoid it as they would 'the devil; for a thousand to one they break their necks or 'their limbs by overthrows or breakings-down. They will 'here meet with ruts, which I actually measured, four feet deep, 'and floating with mud only from a wet summer. What, there-'fore, must it be after a winter? The only mending it receives 'is tumbling in some loose stones, which serve no other purpose 'than jolting a carriage in the most intolerable manner. These 'are not merely opinions, but facts; for I actually passed three 'carts broken down in these eighteen miles of execrable memory.'

To the close of the last century, the internal transport of goods by waggon, was not only intolerably slow, but so expensive as to exclude every object except manufactured articles; and such as, being of light weight, would allow of a high rate of transport. Thus the charge for waggon-carriage from London to Leeds was at the rate of L.13 per ton. The rate of charge between Liverpool and Manchester was 40s. a ton. Heavy articles, such as coals and other minerals, could only be available for commerce where their position favoured transport by sea; and consequently many of the richest districts of the country remained unproductive, awaiting the tardy advancement of the act of transport. The Bridgewater canal was not commenced till about the year 1767. The success which attended this enterprise excited the attention of other great proprietors: the Canal Companies were

formed, and the extensive system of inland navigation, which has so long served the purposes of English commerce, soon overspread the country.

Protected from all competition by the imperfect nature of the public roads, and the injurious operation of the turnpike tolls, these Companies soon monopolised the entire inland traffic of England, and began to realise immense profits. It was in vain that rival lines were in some instances constructed. The instinct of common interest soon produced a combination of the Companies, extinguished competition, and left the public victims to monopoly and exorbitant prices.

The commerce of the country supported this system of extortion long and patiently. It was not forgotten by the merchants and manufacturers, that, before the construction of the canal, they had no practicable means whatever for internal traffic; and the companies were allowed to continue in the enjoyment of their revenues. At length security engendered negligence. The service of transport was not only extravagantly charged for, but ill performed. Petitions were presented to Parliament in 1825, in which it was stated, and evidence offered, that the cotton which was transported three thousand miles across the Atlantic, from New York to Liverpool, in twenty days, took six weeks to be carried from Liverpool to the mills of the spinners at Manchester—a distance of only thirty miles. This was more than even the phlegmatic temperament of Englishmen could endure, and it was resolved to construct a Railway to perform the service.

Roused from their apathy, the wealthy and powerful canal companies at once resolved to propitiate the merchants by a reduction of their tariff. It was, however, too late. The decision was taken: the new project had been well considered, and its advantages were rendered too plain. Conciliation failing, and compromise rejected, the inland navigation interest rallied their partisans in Parliament to oppose the act authorising the construction of the Railway, and for two years they succeeded in their purpose. The commerce of Liverpool and Manchester, however, felt its interest too deeply involved to submit to be repulsed, and at length, in the year 1828, the act to incorporate the Railway Company received the royal assent.

Such was the origin of that singular advancement in the art of transport over land, which has formed so remarkable an event in the present age, and which has spread its influence, more or less, over all that portion of the terrestrial globe to which civilisation has extended. The unprecedented degree in which capital has been attracted to this improvement within the last two years—

the extraordinary manner in which it has engrossed the attention of every enlightened people, and more especially that of our own country—the great interests which are consequently involved in it, and, above all, the imperfect means of information which have been afforded to the public respecting it, combine to render it a fit subject for an extended notice. We propose, therefore, in the present Article, to take a brief retrospect of the progress of the art of Railway Transport, from the opening of the Liverpool and Manchester line to the present time—to lay before our readers the actual state and immediate prospects of Railway Transit, in the various countries where it has been commenced—to examine its effects on social and commercial intercourse, and to consider the often and anxiously discussed questions of its safety—of the uniformity of gauge—and of the relations between Railways and the State.

As originally designed, the sole object of the Liverpool and Manchester Railway was the transport of merchandise between these important towns. Manchester, a great manufacturing district, received its raw material from distant quarters of the globe by the port of Liverpool; and, on the other hand, shipped at the same port the manufactured produce of its mills and factories to its customers in every part of the world. The reciprocal transmission of these articles was the main object to which the new company looked, as the means of affording an adequate return for the capital they were about to expend.

As the enterprise advanced towards completion, the method of conducting the traffic upon it came to be considered. The project was originally regarded as an ordinary road, and the owners were authorised to demand toll from all who might desire to transport goods upon it. This method of proceeding would have been admissible, if the line were to be worked by horse power like a common road; and such, at one time, was the view of the matter taken by many who were interested in it. The Engineer, however, Mr George Stephenson, who had been employed to make the line, recommended the use of steam as an agent superior in economy and efficiency to animal power. There were two methods in which the agency of steam might be used. A rope might be carried on rollers along the line between the rails, to which the waggons containing the merchandise might be attached; and this rope being, at certain stations, coiled round large drums or cylinders, the waggons might be drawn from station to station by fixed steam-engines, applied to keep these drums or cylinders in revolution. Such was called the system of *stationary engines*. The second method

was that of smaller and lighter engines, which should be provided in greater number, and which should travel with the load as horses do with a waggon. This was called the system of *locomotive engines.*

Horse power being definitively rejected, the choice between these two systems of steam power was doubtful, and the Directors of the company were divided in opinion upon it. It was accordingly agreed that the best and most experienced practical engineering authorities should be commissioned to inquire and report upon the question. Accordingly, in the spring of 1829, Messrs George Stephenson, Joseph Locke, James Walker, and John U. Rastrick, all professionally conversant with railways and steam power, were appointed to visit the different coal districts, and collect information on the subject. The result was a report inclining in favour of the locomotive system, which at length, and not without much hesitation and doubt, it was decided to adopt.

Hitherto the transport of passengers on the proposed railway had not entered into the contemplation of the projectors, or if it did, it was regarded as practicable only to a limited extent, and as altogether secondary to the traffic in merchandise. It was now, however, suggested that locomotive engines might *possibly* be so constructed as to draw the waggons with a speed of *ten or twelve miles an hour!* and in that case, that it was worth considering whether the passenger traffic between Liverpool and Manchester might not be attracted to the railway.

It is curious to observe, now that the consequences of this great enterprise are before the world, how completely they were unforeseen. The idea of a steam-engine drawing a load twelve miles an hour, (which, we believe, was thrown out with some timidity by Mr Stephenson,) was received with ridicule by most of his engineering contemporaries. One distinguished writer on railways, who resided in the midst of a coal country, and under whose windows locomotives had been working for years, indignantly disavowed any participation in such extravagant speculations, and has left his disclaimer on record in a published work. He begged that he might not be confounded with those hot-brained enthusiasts who asserted the possibility of carriages being drawn by a steam-engine on a railway at such a speed as twelve miles an hour! Within a few months after the publication of this remarkable disclaimer, amidst the incredulity and ridicule of the majority of the engineering profession, and to the astonishment of the scientific world, the railway was traversed by the 'Rocket' with a speed of upwards of twenty-nine miles an hour.

This fact altogether changed the aspect of the enterprise. It was evident now that the projectors had at their feet the traffic in passengers, the most profitable species of transport; and that goods, hitherto regarded as the chief source of profit, must take a subordinate place. The railway was opened to the public in 1830; and immediately, of the thirty stage-coaches which had previously run daily between Liverpool and Manchester, one only remained on the road; and that was supported solely by passengers to intermediate places not lying in the direction of the railway.

The comparatively low fares, and extraordinary expedition offered by the railway, had the effect which might have been expected. Previously, the number of travellers, daily, by the coaches, was about five hundred; it was immediately augmented above three-fold. Sixteen hundred passengers per day passed between these towns. If the traffic in passengers exceeded all anticipation, the transport of goods, on the contrary, fell short of what was expected. The canal lowered its tariff to the level of the railway charges, and increased its speed and its attention to the accommodation of customers. The canal, moreover, winding through Manchester, washed the walls of the warehouses of the merchants and manufacturers. At the other end it communicated directly with the Liverpool docks. The goods were therefore received directly from the ship, and delivered directly to the warehouse, or *vice versâ;* without the cost, delay, and inconvenience of intermediate transhipment and cartage. These considerations went far to counterbalance the superior speed of the railway transit for goods; yet, notwithstanding this inconvenience and obstruction, the company soon found themselves carriers of merchandise at the rate of a thousand tons per day.

Thus, the problem of the rapid transport of passengers by steam on railways was solved in 1830, and the profitable character of the enterprise soon became apparent. Dividends of ten per cent were declared, and the shares were greedily bought up at an hundred and twenty per cent premium. Then followed in rapid succession those results which must necessarily have ensued. Other lines of railway, connecting the chief centres of population and industry with the metropolis, and with each other, were projected. In the four years which elapsed from 1832 to 1836, about four hundred and fifty miles of railway were completed, and three hundred and fifty miles were in progress of construction.

Meanwhile, the practical skill and the experience of the engineering profession did not keep pace with the increasing de-

mands of the public, and the avidity of capitalists. Enterprises were pushed forward before time had ripened the results of the earlier attempts into general principles; and it was still undecided on what plan and by what methods these novel lines of intercommunication, and the machinery to work upon them, might best be constructed. The very limited number of engineers who, having already been employed in the coal districts of the northern counties, were presumed to have had some experience in railway works, were soon engrossed to the full extent of their time and powers. Great enterprises, consequently, fell under the superintendence of persons having neither the peculiar knowledge nor experience which they required. It was fortunate for the country that the first important line of railway had been intrusted to the consummate practical skill and experience of Mr George Stephenson. The Liverpool and Manchester line, which will descend to succeeding ages as a monument of his skill, happily served as a model railway for those which more immediately succeeded it. His son and his pupils were intrusted with the execution of several of the most important lines; and the same successful results which had attended the first railway, were secured for those which came into operation afterwards. In other cases, however, the superintendence of great enterprises fell into less scrupulous and more presumptuous hands. The rashness of ignorance and inexperience prompted the adoption of fantastic novelties, which had no discoverable purpose save the acquisition of notoriety; and the spurious reputations thus obtained, combined with some tact in the management of Boards of Directors, led to results, the penalty for which has since been paid in the shape of large calls, heavy loans, and small dividends. Such cases, however, have been only exceptional; and, on the whole, the country and the world have reason to rejoice that an improvement so extensive and sudden has been effected with so few important failures and drawbacks.*

It was impossible for any human skill or foresight to provide, in a series of enterprises so novel, against all the contingencies which must arise in their practical operation. We accordingly

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* So great was the ignorance, even among the most eminent engineers, respecting railways and their machinery, so recently as 1837–8, that one gentleman in the highest rank of the profession, being examined before a Committee of the House of Commons, was unable to say whether the wheels of locomotives turned *with* their axles or *upon* them!

find, in tracing their progress, the same gradual advancement through a series of errors, which has marked the progress of every improvement in the arts and sciences. When the Liverpool and Manchester line was in progress of construction, a form of rail called the 'fish-bellied' rail had acquired much favour among engineers; and great praises were lavished on the scientific perfections of its form, in which the varying strength was so beautifully adapted to the varying action of the loads which passed upon it. The railway was accordingly laid down with 'fish-bellied' rails. Experience, however, soon showed that the form so beautiful in theory was most defective in practice; and these rails have since been consigned to a place in the *history* of engineering—the original 'parallel' rail having superseded them in all parts of the world.

The proper weight and strength of the rails was as little foreseen as their form. The Liverpool and Manchester line was originally laid with rails weighing thirty-five pounds per yard. This has been increased successively from year to year to forty, fifty, sixty, and even to seventy-five pounds. The distance between the supports has been likewise varied. Forty pound rails on three feet bearings, sixty pound rails on four feet bearings, and seventy-five pound rails on five feet bearings, have been adopted on different railways, and on different parts of the same railway. The nature of the supports themselves has undergone a revolution. Originally the rails were sustained on square stone-blocks, measuring two feet on the side, and twelve inches deep. Cross sleepers of timber were only used as temporary supports on embankments, until their settlement and consolidation should be effected by time and work. The stone blocks are, however, now every where abandoned, and the cross sleepers of timber permanently and universally established.

Nor has the machinery been the subject of less frequent and curious changes. The weight of the first locomotives was limited to six tons. This weight has been increased successively to eight, ten, and twelve tons; and on the Great Western Railway, engines have been placed weighing twenty tons—this weight being in every case exclusive of that of the tender which carries the fuel and water. Originally, the cylinders and the machinery by which the working wheels were driven, were placed outside the wheels. Soon afterwards they were transferred to the space between the wheels under the boiler. This was announced as a great improvement, inasmuch as the cylinders were inclosed in the smoke-box, and protected from cold, and the driving power was made to act nearer to the centre of *inertia* of the engine and

load. It was, however, accompanied by a serious drawback, in as far as the axle of the driving wheels, on which the major part of the weight of the engine rested, was obliged to be constructed with two cranks, so as in fact to be broken and discontinuous in two places. This was justly regarded as an anomaly in engineering; yet it was allowed, because of the countervailing advantages supposed to attend the arrangement.

More recently, however, it having been found impracticable to pack into the narrow space between the wheels, machinery sufficiently powerful for the speed now required, the cylinders and working gear have been restored to their primitive position outside the wheels; and the same engineering authorities who lauded the internal arrangement, have lately condemned it,—declaring that there is nothing like outside machinery.

The engines were originally supported on four wheels only; the number is now six. An increased security is thus obtained in case of an accidental fracture of an axle-tree. Since, however, the transfer of the machinery outside the wheels, this precaution is of less importance.

Since the power of the engine must necessarily have been regulated by the resistance which it would have to overcome, it might be supposed that one of the first questions to which practical men would direct their inquiries would have been to determine, with some degree of certainty and precision—what was the average amount of resistance, to the drawing power offered by a train of carriages, moving on a straight and level line of railway. Yet, strange as it may now appear, several hundred miles of railway were constructed and in full operation before that problem had been solved, even with any degree of approximation. A rough estimate had obtained favour in the profession, which assigned about ten pounds per ton of the load drawn, as the amount of this resistance; but no one could tell how this estimate had been made, and it is now certain that it had no better origin than conjecture. It was, moreover, always assumed, that the resistance to the moving power was independent of the speed. It was, of course, admitted that the resistance produced by the atmosphere must increase with the speed; but this was considered as forming so insignificant an element of the entire resistance, that it might be disregarded.

It was not until the years 1837-8, that this vitally important question was submitted to experimental investigation. In these years an extensive series of experiments were undertaken and executed by Dr Lardner, in which he was assisted by Mr Edward Woods, Engineer on the Liverpool and Manchester Railway, and Mr Hardman Earle—an active and intelligent director of

that line. The object of this inquiry was to settle the values of several data or conditions connected with the working of railways, or what might be called 'Railway Constants.' Among these the most important and the most difficult, was the determination of the resistance to the tractive power. After various unsuccessful attempts to apply dynamometric instruments to the purpose, the following expedient was resorted to, the result of which was completely successful:—The train of carriages whose resistance was desired to be ascertained, was placed near the summit of an inclined plane. An engine placed *behind* it put it in motion, and dismissed it down the plane with a high velocity. The consequence was not, as might have been expected, that the train descended with accelerated speed. On the contrary, it was found as it descended to be gradually *retarded*, until its motion was reduced to a certain uniform velocity, which it retained until it arrived at the foot of the plane. Mechanical considerations proved, that the gravity of the train resolved in the direction of the plane, must be equal to the resistance which the train would have opposed to a power moving it along a level.

But on submitting the same train to the same experiment on planes of various acclivities, it was found, that each acclivity gave a different uniform velocity of descent. From this followed the consequence, contrary to all that engineers had before taken for granted, that the resistance to the moving power augments in a very high ratio as the speed increases; and that at the usual speed of passenger trains, this resistance is much greater in amount than any estimate which engineers had previously allowed for it.

It was also rendered apparent, that the usual mode of estimating the resistance at so much per ton of the load was altogether fallacious, inasmuch as the same weight of load would offer different resistances to the moving power, according to the number and form of the carriages, and the speed of the motion.*

On every species of road, the acclivities which are admissible depend on the average resistance offered to the moving power on the level. If this resistance be great, then a considerable ascent will not be felt,—the additional resistance which it opposes to the moving power bearing an inconsiderable proportion to the whole amount of resistance which that power must at all times over-

* For the details of this investigation, see the Report of Dr Lardner in the Proceedings of the British Association, and the Appendix to the same, by Mr Edward Woods.

come. But if, from the mechanical perfection of the road and the carriages, the resistance habitually opposed to the moving power on the level be very small, (as is the consequence of the admirable perfection of railways,) then a very slight acclivity will be sufficient to disable the moving power altogether. It will therefore be easily understood, that the degrees of ascent which on a common Macadamised road are scarcely felt, are wholly inadmissible on railways worked by locomotive power. The more exquisite the perfection of the instrument, the more inconsistent with its efficiency are even slight defects: gaps and inequalities, which would not sensibly impair the excellence of a knife, would entirely destroy the utility of a razor.

Railways must therefore be so constructed as to be nearly level. An inclination rising at the rate of one foot in fifty would not be distinguishable from an absolute level, by mere inspection, without the aid of levelling instruments. Yet such an ascent would more than treble the resistance of a railway train moving with the usual speed.

If some mechanical causes forbid a railway to undulate, others render it difficult to wind or to pursue a serpentine course. The necessity for undulation might be avoided, and a general level course preserved, were it possible to carry it along the trendings of valleys and round the bases of hills. This, however, is rendered impossible, by the mechanical conditions of its structure. A railway carriage moves in a groove, or, at least, in what is equivalent to a groove. Without some violence to its principle, or some strain upon its structure, it is therefore capable of moving only in a straight and direct course. If it has to change its direction, it must be through a curve which bends so slowly and gradually, that the part of it occupied at any moment by the carriage shall not sensibly differ from a straight line. The curve, in short, must be one of very large *radius;* and even in such a curve the carriage can only be forced to turn by the constant pressure of the flanges of the wheels against the outer rail. This difficulty becomes greater as the speed of the motion is increased. A standing rule of railway Committees in Parliament was, that all curves of less than a mile radius should be matter of special inquiry and report.

Such are among the causes which have rendered the construction of railways expensive, by rendering inevitable vast works to preserve the necessary straightness, and continuous level of the course. As the line cannot descend to the level of valleys and rise over the surface of hills, the former must be filled up and the latter excavated. The road is conducted over the valley on an embankment, and through the hill by means of an excavation. But the valley may be occasionally too deep to

render an embankment practicable, or the earth to form it may not be attainable. In this case, the road is raised to the necessary level by a *viaduct* or bridge, of height and magnitude commensurate to the depth and width of the valley to be crossed. In like manner, the hill may be too lofty to allow a practicable cutting; in which case, a hole is bored through it of sufficient calibre to contain the railway, and allow trains to pass through, and it is lined with masonry; a *tunnel*, in a word, is constructed. When the necessity for such stupendous expedients is duly considered, we shall cease to wonder at the enormous cost of railways.

The system of internal communication by railways now in progress of construction throughout Great Britain, will form, under various points of view, a singular example in the history of public works. Their stupendous magnitude, and the many novel works of art upon them, are scarcely so remarkable as the rapidity of their execution, the amount of capital they have absorbed, and the still more enormous amount of capital they have created. The effects they have produced upon the social and commercial relations of different centres of population and commerce, by augmenting in an unforeseen and incredible ratio the personal communication between them, are not among the least memorable consequences of these undertakings.

We have stated that the first of this series was the Liverpool and Manchester line—thirty miles in length—which was opened for traffic in 1830. In the year 1840, there were thirteen hundred miles of railway in full operation in England, upon which, during that year, twelve millions of persons had been conveyed. In 1841, fifteen hundred and fifty miles were worked, on which twenty millions of passengers were carried. In 1843, the length of railway open was eighteen hundred miles, and the number of passengers transported nearly twenty-seven millions; and in 1844, the length was increased to nineteen hundred miles, and the passengers exceeded the incredible number of thirty millions!

Nearly sixty millions of capital had been expended in little more than ten years on these enterprises. But all the principal lines paid large profits. Dividends of ten per cent were declared, and the shares rose to cent per cent premium. The demand for railway shares was enormous; and a supply of corresponding magnitude soon met it. In 1845, three hundred miles of new railway were opened for traffic; and acts were passed by the Legislature, sanctioning projects in which the construction of a further extent of eighteen hundred miles of railway was undertaken.

Before we proceed to notice the enterprises which remain to be executed, let us examine a little more in detail what has been already effected, and its results.

If we take the principal railways which have been completed and brought into full operation, excluding only a few obviously exceptional ones,* we shall find that the average amount of capital which they have absorbed is at the rate of L.35,000 per mile. This amount has, in different cases, been distributed in different proportions among the several heads of expenditure; but the following may be taken as near the average distribution:—

Cost of land,	L.4,000
Way and works,	22,000
Office and sundries,	1,000
Locomotive power, and working stock,	8,000
Total,	L.35,000

The railways constructed with the wide Gauge were more expensive. An extent of two hundred and forty miles, had absorbed L.9,704,368, at the close of last year, being at the rate of above L.40,000 per mile.

Such being the cost of construction, let us consider the service rendered to the public, and the revenue produced.

By the returns published by the Railway Department of the Board of Trade, it appears that the traffic for the three years ending 30th June 1845, was as follows:—

Year Ending	Miles of Railway Opened.	Receipts from Passengers.	Receipts from Goods.	Total.
June 30, 1843	1798½	L.3,110,257	L.1,424,932	L.4,535,189
June 30, 1844	1912¾	3,439,294	1,635,380	5,074,674
June 30, 1845	2118¼	3,976,341	2,333,373	6,209,714

Hence we infer the amount of each kind of traffic per mile in each year, as follows:—

Year	Amount of Passenger traffic per mile.	Annual increase.	Amount of goods per mile.	Annual increase.	Total per mile.	Annual increase.
	£	per cent	£	per cent.	£	per cent.
1843	1729	...	792	...	2522	...
1844	1773	2.55	855	7.90	2653	5.20
1845	1877	5.87	1101	21.34	2936	10.70

* Such for example as the London and Blackwall, the London and Greenwich, and a few which, on the other hand, have been completed at an exceptionably low rate.

It appears, therefore, that there is an annually increasing amount of traffic; that the rate of increase on the Goods traffic, is even more rapid than the Passenger traffic; and that the average annual total amount received per mile, in 1845, was L.3000, omitting fractions.

The proportion of this gross revenue, absorbed by the current expenses of the transport, is different on different lines. In some it is above 50 per cent; in some below 40 per cent. In 1842 it was estimated at 44 per cent of the gross revenue; but it is probable that, by improved machinery and increased economy, it is now diminished. It may be taken at present at 42 per cent of the revenue. Of the L.3000 per mile received then, 58 per cent, or L.1740 per mile may be taken as the profit on the L.35,000 per mile sunk—being at the average rate of 5 per cent.

Thus, it appears, that although several great enterprises give 10 per cent, the general average profit on these speculations does not amount to more than the ordinary profit on capital engaged in large commercial investments. Many unsuccessful lines pay little or no interest on the capital sunk, and some yield dividends of comparatively small amount; and thus the larger dividends of the more successful lines are neutralised. The increase of traffic, however, indicated in the above table of annual returns, would render it probable that the annual profits would become larger, unless the further extension of railways should check them.

It will be observed that of the total annual revenue of the railways, 63 per cent proceeds from passengers, and 37 per cent from goods.

In estimating the manner in which the railways minister to the public service, the question arises—whether they chiefly serve as means of personal intercourse between those great centres of population and commerce which are usually selected as their *termini;* or, whether they in a greater degree benefit the population located in those districts of the country through which they pass. Unquestionably the general impression was, and, so far as we have observed, still is, that the great mass of their traffic is derived from the large cities and towns at their *termini.* This question has much interest, not merely to the public in general, but to those who engage in railway speculations in particular. Is the population of the country through which a line of railway passes, or the population of its *termini,* to be considered most in calculating its probable success?

We shall arrive at a solution of this problem by comparing the total number of passengers carried on the railway, with the

total amount paid by them on the one hand, and the average fare per mile chargeable to them on the other. In the following table we have given the number of passengers of each class, booked in the year ending 30th June 1845; the total amount of fare they paid; the average paid per passenger; the average fare charged per mile; and the consequent average distance which each passenger travelled. In order to express the actual and relative amounts of passenger service rendered by the railways in that year, we have also given the equivalent number of passengers of each class, and the total carried one mile.

	Number of Passengers.	Receipts from Passengers.	Receipts per Passenger	Average fare per mile for each Passenger.	Average distance travelled by each Passenger.	Equivalent number of Passengers carried one mile.
		£	s. d.	miles.	miles.	
1st Class.....	5,474,163	1,516,805	5 7	$2\frac{6}{10}$d	$26\frac{7}{10}$	142,328,238
2d Class	14,325,825	1,598,115	2 2¼	$1\frac{86}{100}$	$13\frac{1}{4}$	196,263,802
3d Class.....	13,135,820	621,903	0 11¼	1	11	147,777,975
Mixed.....	855,445	209,518	4 11	$2\frac{3}{10}$	$24\frac{1}{2}$	20,530,480
Total & mean	33,791,253	3,976,341	2 4	$1\frac{8}{10}$	15	506,900,695

The results exhibited here suggest several reflections, which must be as interesting to railway proprietors as to the public in general.

In the first place it is apparent, contrary to what might be expected, that the railways derive their revenue from passengers who travel short distances, and not from those who pass between the great centres of population which mark the *termini*, and which usually give the railway its name. The first-class passengers, whose excursions are the longest, travel on the average only twenty-six miles; and it must be observed, that the great majority of these must travel much less distances even than this. For one who makes a trip of 100 miles, there must be at least ten who go only 10 miles, otherwise the average could not be maintained. In like manner, the second-class passengers travel only 13 miles, and the third class 11 miles—giving, say 12 miles, as the mean of the two; and these constitute above 80 per cent of all the passengers transported on railways! Short passenger traffic—that is to say, trips of a dozen miles or thereabouts—these it is evident constitute the great staple of the railway business in passengers. It is clear, then, that the terminal populations have but little connexion with the financial success of railway projects. The main support is short traffic.

Of every hundred passengers booked, there is the following proportions of the different classes :—

1st Class	16½
2d Class	43½
3d Class	40
	100

Of every hundred pounds of gross revenue, the following proportions are contributed by the different classes :—

1st Class	£40 14
2d Class	42 16
3d Class	16 10
	£100 0

The existence of some unwise discouragement to third-class passengers, is very apparent in these numbers. Under the ordinary influences which govern personal economy, they ought to be the most numerous, if not the most productive. They are, nevertheless, inferior in number to the second class, and produce a revenue greatly inferior to either first or second class. We shall more clearly perceive the cause of this paradox by reference to the traffic of railways elsewhere. In Belgium, the relative numbers of the different classes is such, that of every 100 passengers there are

1st Class,	10
2d Class,	30
3d Class,	60

And of every L.100 gross revenue from passengers, the contribution of the respective classes is

1st Class,	L.20
2d Class,	33
3d Class,	47
	L.100

The revenue of the railways, in England, is therefore chiefly drawn from the first and second class passengers; while that of the Belgian lines is supplied by the second and third class, but chiefly by the latter. The one system contributes to the service of the lower orders of the population, and the other to the middle and higher.

Whether both objects might not be attained, would perhaps be best ascertained by a comparison of the fares. On the English lines, the third-class passengers are discouraged by four

causes, brought into operation, apparently with that intention, by the companies. These are, 1. high fares; 2. carriages uncomfortable and unsafe; 3. inconvenient hours; 4. slow speed.

The following show the English and Belgian fares in juxtaposition:

	British. 10ths of a penny.	Belgium. 10ths of a penny.
1st Class, per head per mile	26	$14\frac{8}{10}$
2d Class,	$18\frac{6}{10}$	8
3d Class,	10	6

Thus, while the fare of each class is considerably lower than the corresponding class on the British lines, the third class is little more than half of the third class on our railways; and the carriages for this class are started at all hours, and are protected by roofs from the weather, and from the discharge of the funnel of the engine.

It appears from the numbers in the last column of the above table, that the passenger service rendered by the British railways in 1844-5, was equivalent to five hundred millions of passengers carried one mile!

Let us see what number of ordinary stage coaches could have performed this service in the same time.

One hundred horses working in a coach, would carry 25 passengers per day 100 miles. Omitting fractions, the number carried in the year would be 10,000, which would be equivaleut to a million carried one mile. Such a coach, worked by 100 horses, would take five hundred years to execute the passenger traffic of the railways in the year 1844-5. In doing this, it would travel a distance equal to fifteen hundred times the circumference of the globe.

The locomotive engines, therefore, employed in drawing passenger trains in that year, performed the work of 50,000 stage-coach horses.

It is worth while to compare the cost at which this has been executed, with that at which the same service would have been performed by stage coaches. In making this comparison, it is necessary to remember that there are three sources of economy, which the railway offers, in comparison with stage coaches. First, the saving in the *fare*; secondly, the value of *time* saved; and thirdly, the saving of *tavern expenses* on the road.

First. If we take the coach fare on an average at fourpence per mile, (a low estimate,) the saving by the railway will be at the rate of $2\frac{1}{2}$d. per mile per head.

Secondly. The saving of time will be at the rate of nine hours, in

every hundred miles travelled. For one must allow thirteen and a half hours (at seven and a half miles an hour) for an ordinary stage coach to perform 100 miles, which on the railway would be travelled in less than five hours. If we estimate the time of the class which travel on the average at six shillings per working day of twelve hours, this will be sixpence per hour.

Thirdly. A traveller thirteen hours on the road, must take at least one meal at a tavern; many will take two. A traveller four or five hours on the road takes nothing. Let this saving be put down on the average at 2d per 100 miles. We shall then have the following account of the amount saved by those who travelled on the railways in 1844-5, compared with what travelling the same distance in stage coaches would have cost:—

506,900,695 miles at 2½d per mile, fare saved .	L.5,280,215
45,621,063 hours saved, at 6d per hour . .	. 1,140,526
506,900,695 miles, tavern expenses at 2d per 100 miles	506,900
	L.6,927,641

The total saving is, therefore, nearly double the sum paid as railway fare. In other words, the locomotive engine has reduced the cost of travelling to one-third of its former amount,—even at the rate of fare charged under a system of monopoly, as compared with the open competition of stage coaches.

Let us now turn our attention for a moment from what has been actually accomplished to what is in progress of completion, or projected.

We have seen that, on the 30th June 1845, 2118 miles of railway were open for traffic. During the year 1845 nearly 300 miles more were completed, and inspected by General Pasley. Besides these, there were many lines which had obtained their acts before January 1845, of which we have no return. We shall be considerably within the truth if we assume, that the total length of railways for which Acts were obtained previous to 1845, was 2500 miles. In the session of 1845, Acts were passed authorizing the construction of a further extent of 1793 miles—making a total to December 1845 of 5300 miles.

In the session which has just terminated, however, it was reserved for the world to witness an extent of speculation, of which history, we believe, can produce no similar example. Four thousand miles of additional railways have actually received the sanction of the legislature, which, if completed, will make up the enormous extent of 9300 miles.

The amount of capital of the companies whose Acts were

passed in 1845, exclusive of loans, was £29,168,640; which, divided among 1793 miles, is at the rate of £16,268 per mile. Now we have shown that the 2000 miles of railway in operation have absorbed capital to the amount of £35,000 per mile; and it may, therefore, be asked, how nearly an equal length, is now to be constructed, at less than half the cost? But there is no mystery in the matter. If we compare the capital originally estimated for any of the principal lines, with their actual cost, we shall find the explanation of this apparent inconsistency. Take the three following lines:—

	Original Capital.	Actual Cost of the Line.
Liverpool and Manchester,	L.510,000 .	L.1.774,000.
London and Birmingham,	3,500,000 .	6,000,000.
Birmingham and Liverpool,	1,000,000 .	1,500,000.

In fact, the estimated capital is not even a tolerable approximation to the cost of a railway.

It is contended that, owing to improved machinery and other causes, railways can be constructed at a less expense now than formerly. In some of the items of expenditure this is true: but others, such as the cost of land, certainly are not changed; and some, such as wages of labour, will certainly be augmented. We shall probably be near the truth if we allow L.30,000 per mile, for the lines still to be constructed.

The capital of the companies, which have obtained Acts for about 4000 miles of railway, during the last session, amounts to about L.150,000,000, exclusive of loans. This is at the rate of L.37,500 per mile, which is rather above the average cost of the completed lines.

It appears, then, that there are now in progress, and sanctioned by Parliament, 5800 miles of railway, to complete which, and bring them into operation, will absorb at least two hundred millions sterling! Most of the companies promise the completion of their enterprises in three years; but, allowing for engineering casualties, and unforeseen causes of delay, there is no reason to suppose that any of them should exceed five years,—assuming, of course, that the necessary capital and labour shall be forthcoming. The annual instalments of capital necessary to accomplish this will, therefore, be forty millions.

Such is the sum which must be taken yearly, from the surplus savings of British industry, for the next five years, if these projects are to be realised. There is no escape from this astounding inference. We say nothing of the amount of British capital promised to foreign railways, which, however, is not inconsiderable. Those who are best acquainted with the public finances,

and the laws which regulate money and labour, regard the consequences of such a yearly demand with serious apprehension. If it were possible to ascertain the average net savings of the country, and to estimate the proportion of these which could, without injury, be withdrawn from other undertakings which are in a growing state, the effect of these prospective operations might to some extent be foreseen. But, as it is, all is left to conjecture. It is, however, past all doubt that a serious pressure on the money market must take place, and which must produce great loss and inconvenience to the manufacturing and trading interests; and, as a concomitant effect, the unusual demand temporarily created and then suddenly relaxed, must occasion very injurious derangements in the market for labour.*

It may, perhaps, be urged, that the operations of past years have not been productive of any such effects. It is necessary, however, to remember that the seventy-five millions of capital, which have already been invested in railways, have been spread over a period of more than fifteen years,—giving an average annual absorption of only five millions, while we are now to supply forty millions, and that generally that period was one of great national prosperity.

But let us assume the work to be done. Let us suppose the capital to be sunk, and the 9000 miles of railway to be in full operation. The shareholders will expect at least as good average profits as those who have already made a like investment. We have seen that a gross revenue of L.3000 per mile, on the existing lines, only pays an average profit of about 5 per cent. What must be the gross revenue of the system of lines, now contemplated, to give the same profits?

In order that 9000 miles of railway should produce L.3000 per mile, it is necessary that the public should expend on that species of inland transport twenty-seven millions a-year! Assuming that this expenditure is distributed between passengers and merchandise, as it is at present, seventeen millions will be paid for passengers and ten millions for merchandise.

At present the number of passengers booked on 2000 miles of railway annually is nearly thirty-four millions. When the enlarged system comes into complete operation, the number must be an hundred and fifty-three millions!

This subject opens many curious and interesting views; but our limits warn us that we must at present dismiss it.

When the results of the operations in England became known

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* Morrison, pp. 6, 7.

in America, the advantages which such means of intercommunication must produce in that country became immediately apparent; and, in various parts of the Union, the enterprising spirit of the population was directed to the construction of railways. The progress was rapid; and a few years witnessed an extensive system of steam communication by land, throughout the most populous and active of the Atlantic States.

The total length of railway now actually constructed, and in operation in the United States, amounts to about 4500 miles; of which 500 miles consist of short lines, connected with coal works and private establishments;—leaving about 4000 miles of swift steam conveyance, by railway, for passengers and merchandise. Besides this, there are about 10,000 miles projected, the construction of most of which has been suspended, since the financial and monetary revulsions which took place some years since. Of the railways completed, and in operation, the chief part are in the Atlantic States. A few short lines, however, have been constructed in the south and west. Thus there are seven railways in Alabama, four in Florida, ten in Louisiana, and five in Mississippi.

Pennsylvania, New York, and the States of New England, are the great theatres of American railway enterprise. The State of Pennsylvania is intersected by nearly a thousand miles of railway; and an equal length is in operation, or process of construction, in the State of New York. The New England States are in every direction intersected by railways. Boston is connected towards the west with the Hudson, at Albany, by a continuous line. It is connected, towards the south, with Long Island Sound, by lines to Providence and Stonington, and to Worcester and New London. The communication is carried on from these points to New York, both by railway over Long Island, and by steam-boats on the Sound and the East River.

From the Hudson, there is an unbroken line of railway communication to the great northern lakes. By these and the Illinois river, the communication is continued by steam-boats nearly to the banks of the Upper Mississippi; where it is continued for some thousand miles westward by the Missouri towards the Rocky Mountains; and southward by the Lower Mississippi to New Orleans and the Gulf of Mexico.

Another artery of railway communication proceeds from New York southwards—traversing the States of New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North and South Carolina,—and turning westward through Georgia, terminates near the banks of the Alabama River. There, the line is continued by steam boats to the mouth of that river; and thence to Lake

Pontchartrain, where it meets a line of railway which terminates finally at New Orleans. The entire territory of the Union is thus inclosed in an uninterrupted circle of steam communication.

Nor are great transverse arteries wanting to complete the interfusion of the commerce of the country. From the artery running north and south just mentioned, their issues a lateral branch at Baltimore, proceeding westward towards the Alleghany range. At present this is continued only as far as Cumberland—at the foot of the ridge, which is from that point crossed by an excellent Macadamized road, on which stage-coaches work at a speed equal to the best English coach travelling. It is, however, intended to supersede this road, by a continuation of the railway to Wheeling and Pittsburg on the Ohio. Thence the communication is carried on by steam-boats on that river, to the point where its waters are received by the Mississippi.

We have here traced the great main arteries of the internal commerce of the United States, but these only. From these at every point diverge innumerable ramifications, either by tributary navigable rivers, by branch railways, or by common roads.

There are also isolated instances of the irrepressible spirit of enterprise, which so strongly characterises this people, to be found in railways constructed and in operation, where the highest refinements of locomotion would be the last thing the wanderer of the wilds would expect to meet. In the backwoods of Mississippi, traversing native forests where, till within a few years, human foot never trod, through solitudes the silence of which was never disturbed even by the Red man, we are now transported on railways. The impression produced on the traveller as he is whirled through these wilds, and sees the frightened deer start from its lair at the snorting of the ponderous machine which moves him, and reflects on all that man has accomplished in these regions within half a century, cannot be described.*

When the expenditure involved in the construction and operation of British railways is considered, the financier, the statistician, and the economist, will naturally ask how, with a population so sparse and a territory so vast, such a system of communication could be established and sustained? If the great mass of the passenger lines in England have cost at the rate of thirty-five

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* A railway is in operation between Vicksburg, on the eastern bank of the Mississippi, and the town of Jackson, in the centre of the State, which throughout its entire length traverses the native forests, where the engineers who made it were probably the first of the human race that had ever set their foot.

thousand pounds per mile, and the profits gained even on the most successful among them do not exceed ten per cent, while the average profits of all do not amount to more than half that rate,—how, it may be asked, can this stupendous system of American railways, with a traffic comparatively so insignificant, among a people where profits on capital are high and the rate of interest from six to ten per cent, be made to answer?

This difficulty is explained, partly by the general nature of the country, partly by the mode of constructing the railways, and partly by the manner of working them.

With certain exceptions, few in number, the tracts of country over which these railways pass form nearly a dead level. Of earth-work, therefore, there is but little. Occasionally, low embankments and shallow cuttings are all the difficulties the engineer has to surmount. Of works of art, such as viaducts and tunnels, there are almost none. Where the lines have to be conducted over streams or rivers, bridges are constructed, in a rude but substantial and secure manner, of timber, which is supplied from forests at the road side, subject to no other cost save that of hewing it. The station houses, booking offices, and other buildings, are likewise slightly and cheaply constructed of timber.

Where the lines of road intersect considerable rivers, such as the Hudson, the Delaware, or the Susquehanna, the latter are crossed by steam-boats, the railway being resumed on the opposite bank. This operation is effected without objectionable inconvenience or delay, and is often so regulated as to correspond with the meals of the passengers, which are in that case supplied in the boat while crossing. The passengers' luggage, and such light goods as are transported by passenger trains, are carried in Vans supported on cast-iron rollers, which are placed on the railway trucks. On the arrival at a ferry, these Vans are rolled without delay along a platform level with the truck, to the upper deck of the steam-boat, which is at the same level or nearly so; and on arriving at the opposite bank they are rolled by a like expedient upon the trucks of the train which waits.

But, besides the facilities afforded for the construction of railways by the flat and level character of the country, and the boundless supply of timber at a trifling cost, a further and much larger economy is effected, as compared with European lines, by the method of construction.

Formed to supply a very limited amount of traffic in proportion to their length, the American railways are, generally, single lines. Sidings are of course provided at convenient stations, in which one train waits until the train in the contrary direction has passed. Collision is impossible, for the first

train which arrives must, by the rules of the road, move into the siding. This arrangement would be attended with inconvenience, on lines where a frequent passage of trains takes place; but on the principal American lines, the quick trains seldom pass in each direction more than twice a-day, and the time and place of their meeting is perfectly regulated. In fact, no inconvenience is felt or complained of from this cause in the practical working of the lines. In cases where the traffic is so considerable as to require them, double lines have been constructed.

In the structure of the roads themselves, principles have been adopted which have been attended with great economy compared with European lines,—the application of which was rendered admissible by the lightness of the traffic and the moderate speed contemplated. In laying out these lines the engineers did not, as in England, impose on themselves the difficult and expensive condition of excluding all curves but those of a large radius. On the other hand, curves having a radius of one thousand feet are usual; and occasionally those of five hundred feet, and even less, are allowed. Nor are the gradients restricted to the same low limits as with us. Acclivities rising at the rate of one foot in a hundred and thirty, are considered a moderate ascent; and there are not less than fifty lines, in which the gradients are laid down at a rate varying from one in a hundred to one in seventy-five. Nevertheless, these lines are worked without difficulty by locomotives, without the expedient either of assistant or stationary engines. The consequences of this have been to diminish the cost of earth-work, bridges, and viaducts; even in parts of the country where the character of the surface is least favourable. But the chief source of economy in the construction of these lines has arisen from the structure of the road surface. In many cases where there is a light traffic, the rails consist of flat bars of iron two and a half inches broad, and from five to seven tenths of an inch thick,—nailed or spiked down to planks of timber laid longitudinally on the road in parallel lines, at the proper width, so as to form what are called continuous bearings. Some of the most profitable lines, and those of which the maintenance has proved the least expensive, have been constructed in this manner.

The structure of the road, however, varies in its character according to the traffic. Rails are sometimes laid down weighing from twenty-five to thirty pounds per yard. In some cases of still greater traffic, the rails are laid on transverse sleepers of wood, in the same manner as on the European railways; but, in consequence of the comparative cheapness of wood and high price of iron, the strength necessary for the road is obtained by

reducing the distance between the sleepers, so as to supersede the necessity of giving greater weight to the rails.

In all cases where augmented traffic may be expected from the increase of population and commerce, the earth-work, and structures on the lines are made so as to admit of a double line of rails, whenever they may be required.

In the working of their railways, the same attention to the economy rendered necessary by their limited traffic is observable. The engines are strongly built, perfectly safe, and sufficiently powerful; but they are destitute of much of that elegance of exterior, and luxurious beauty of workmanship, which are seen upon the British locomotives. The fuel used to work them is generally wood. On certain lines, however, in the neighbourhood of coal-mines—such, for example, as the Philadelphia and Pottsville Railway, which penetrates into the great coal-fields of Pennsylvania—coal is the fuel used. The use of coke is nowhere resorted to. Its expense would make it inadmissible; and in a country so thinly inhabited, the smoke proceeding from coal or wood is not objected to.

The ordinary speed, stoppages included, is fourteen or fifteen miles an hour. Independently of other considerations, the light structure of most of the railways would not allow of a greater velocity without considerable danger: on some of the better constructed lines, we have, however, frequently travelled at the rate of twenty-five miles an hour when at full speed. This is not uncommon on some of the New England lines,—on the railway from Baltimore to Washington, and some of the southern lines; as for example that between Charleston and Augusta in Georgia, the Columbia line in South Carolina, and the line from Augusta to the University of Athens in Georgia.

Notwithstanding the apparently feeble and unsubstantial structure of some of the lines, accidents to passenger trains are scarcely ever heard of in America. With an experience of nearly twenty thousand miles of railway travelling in the United States, we have never encountered an accident of any kind, or heard of a fatal or injurious one. This security may be explained by the moderate speed of the trains, and the absence of a highly active traffic.*

The form and structure of the carriages is a source of con-

* In some cases of lightly constructed roads, where the bars spiked down on the planks are not kept in good order, an accident called (from its analogy to a catastrophe common on American rivers) *snagging* is said sometimes to have happened. In this case the iron bar, worn thin

siderable economy in the working of the lines. The passenger carriages are not distinguished, as in Europe, by different modes of providing for the ease and comfort of the traveller. There are no first, second, and third classes. All are first class, or rather all are of the same class. The carriage consists of a long body like that of a London omnibus, but much wider, and twice or thrice the length. The doors of exit and entrance are at each end; a line of windows being placed at each side, similar exactly to those of an omnibus. Along the centre of this species of caravan is an alley or passage, just wide enough to allow one person to walk from end to end. On either side of this alley are seats for the passengers, extending crossways. Each seat accommodates two persons; so that four sit in each row, two at each side of the alley. There are sometimes fourteen of these seats, so that the carriage accommodates fifty-six passengers. In cold weather, a small stove is placed near the centre of the carriage, the smoke-pipe of which passes out through the roof; and a good lamp is placed at each end for illumination during the night. The vehicle is perfectly lighted and warmed. The seats are cushioned; and their backs, consisting of a simple padded board, about six inches broad, are so supported that the passenger may at his pleasure turn them either way, so as to turn his face or his back to the engine. For the convenience of ladies who travel unaccompanied by gentlemen, or who otherwise desire to be apart, a small room, appropriately furnished, is sometimes attached at the end of the carriage, admission to which is forbidden to gentlemen.

It will occur at once to the engineer, that vehicles of such extraordinary length would require a railway absolutely straight; it would be impossible to move them through any portion of a line which has sensible curvature. However, in the construction of American railways curves are admitted without difficulty or hesitation, which would be wholly inadmissible on any European line, and through these curves the vehicles just described move with the utmost facility. This is accomplished by a simple and effectual arrangement. Each end of this oblong caravan is supported on a small four-wheeled railway truck, on which it rests on a pivot; exactly similar to the expedient by which the fore-wheels of a carriage sustain the perch. These railway carriages have in fact

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and unspiked, gets detached from the plank, and as the wheel passes upon it, springs up and pierces the bottom of the carriage to the great danger of the passengers. We have, however, never met with a well authenticated case of this kind.

two perches, one at each end; but instead of resting on two wheels, each of them rests on four. The vehicle has therefore the facility of changing the direction of its motion at each end; and in moving through a curve, one of the trucks will be in one part of the curve while the other is at another,—the length of the body of the carriage forming the *cord* of the intermediate arc! For the purposes they are designed to answer, these carriages present many advantages. The simplicity of the structure renders the expense of their construction incomparably less than that of any class of carriage on an European railway. But a still greater source of saving is apparent in their operation. The proportion of the dead weight, to the profitable weight, is far less than in the first or second class carriages on the English railways, or even than the third class. It is quite true that these carriages do not offer to the wealthy passenger all the luxurious accommodation which he finds in the best first-class carriages on the English railways; but they afford every necessary convenience and comfort, and are decidedly preferable to any second-class carriages on European lines.

In several of the principal American cities, the railways are continued to the very centre of the town, following the windings of the streets, and turning without difficulty the sharpest corners. The locomotive station is, however, always in the suburbs. Having arrived there, the engine is detached from the train, and horses are yoked to the carriages, by which they are drawn to the passenger depot, usually established at some central situation. Four horses are attached to each of these oblong carriages. The sharp curves at the corners of the streets are turned, by causing the outer wheels of the trucks to run upon their flanges, so that they become (while passing round the curve) virtually larger wheels than the inner ones. We have seen, by this means, the longest railway carriages enter the depots in Philadelphia, Baltimore, and New York, with as much precision and facility as is exhibited by the coaches that enter the gateway of the Golden Cross or the Saracen's Head.

The cost of construction of the American railways has varied between very wide limits, as the traffic upon them has been greater or less. The average cost of the passenger lines may be taken at about L.9000 per mile.

Of all the European states, after Great Britain, that which first and most energetically directed its efforts to the establishment of improved means of intercommunication, was Belgium. The revolution of 1830 having separated this country from Holland, it lost the mouths of the Scheldt as an issue for its commerce. The communications with the German states could

not be continued by sea, and were attended with expenses by land, on the common roads, which rendered them impracticable. The coal-producing province of Liege, which before the revolution supplied the Dutch markets, was now isolated, while those of Hainault communicated with all the chief cities. Pressed by these difficulties, the new government decided on constructing an effectual and economical communication between the ocean and the point of the frontier nearest to the Rhine, crossing the kingdom from east to west. A canal was first suggested, but MM. Lebeau and Rogier had the sagacity to perceive that an extensive system of railways would conduce much more effectually to the national prosperity; and the project was presented to the Chambers, and passed into a Law, on the first of May 1834; in virtue of which the railways which now overspread Belgium were constructed at the charge of the state. The works were commenced on the 1st June 1834, and were completed, and successively brought into operation, in the following years. In 1843, ten years after the project was adopted, the following system of lines was completed and in full work:

	Miles.
Eastern Line—from Malines to Cologne by Louvaine, Tirlemont, Landen, Waremme, Liege and Verviers, with a branch to St Trond, ...	91
Western Line—from Malines to the sea on the north, by Termonde, Ghent, Bruges, and Ostend, with a branch from Ghent to the French frontier by Menin and Courtrai, .	126
Northern Line—from Malines to Antwerp, with a branch to Lievre, ...	16
Southern Line—to the frontier of France by Brussels and Mons, with a branch to Charleroi and Namur, . .	115
Total, .	348

The earlier of these lines were opened in 1837, and the others followed in quick succession. The result of the first year fully justified the government in the policy which dictated this measure. Before the establishment of these lines of communication, the number of passengers between Brussels and Antwerp per annum was 75,000. In the first eight months after the opening of the railway, the number was 541,129; and afterwards the annual intercourse between these cities amounted to a million! The profits, on the capital expended on the line between Brussels and Malines, amounted in the first year to 8 per cent; and those on the line between Brussels and Antwerp to 16 per cent. A secondary system of lines, (about 200 miles,)

to communicate with the inferior order of towns, has been undertaken, with the authority of the State, by private companies. Considered relatively to the population and territory of Belgium, this is the greatest work of public utility which any European State has executed in our times.

The general character of the country was favourable to the construction of railways, but this facility was not without some qualification. In the parts of the country through which the lines first constructed, passed, the surface is generally flat, and no earthworks or great works of art were necessary. It was, however, intersected by numerous and important rivers and canals, over or under which the lines were conducted by means of bridges and aqueducts. On the eastern line, a series of deep valleys were crossed by embankments from fifty to seventy-five feet in height, alternated with cuttings from thirty to forty-five feet deep, and a tunnel of nearly three-quarters of a mile in length. In crossing these valleys, the railway is carried over and under the roads and canals by means of innumerable bridges, aqueducts, and viaducts. From Ans to Liege, the declivity leading to the valley of the Meuse is worked by an inclined plane; on which the trains are drawn by a pair of stationary engines of 360 horse power. From Liege to the frontier of Prussia, the imaginary difficulties have been as considerable as on any of the English railways.

The cost of construction and other statistical particulars connected with the Belgian railways, for the years 1842, 1843, and 1844, are given in this table:

Year.	Miles Worked.	Cost of Construction.	Number of Passengrs.	Receipts from Passengrs.	Receipts for Merchandise, &c.	Total receipts.	Expenses of working.	Net profit.
1842	246	L.3,454,804	2,724,104	L.187,372	L.111,090	L.298,462	L.188,013	L 110.049
1843	308	5,784,000	3,085,349	219,296	141,960	361,256	219,064	142,192
1944	348	5,789,872	3,381,529	271,383	177,837	449,220	230,617	218,603

Hence it appears, that the average cost of establishing the system of Belgian lines, has been L.16,600 per mile. This sum consists of the following items:

Construction of the lines, . . .	L.12,900
Stations and their appendages, . .	1100
General expenses, salaries, offices, &c., .	500
Material, ...	2100
	L.16,600

The expense of working has, from increased attention to eco-

nomy, and from exciting, by promotion and rewards, the good conduct and efficiency of engineers and other persons employed, gradually diminished from year to year. In 1844 it amounted to L.660 per mile; being fifty-one per cent of the gross receipts. A net profit of forty-nine per cent of the receipts remained, which amounted to nearly four per cent on the capital.

The Belgian railways have been constructed and worked by her government, not with a view to revenue, but solely with reference to the advancement of the general prosperity and well-being of the population. The tariff for passengers and goods has, therefore, been so regulated that the profits shall not exceed the interest of the capital sunk. The present fares for passengers are as follows:

		Tenths of a penny.	
For 1st Class	Passengers,	$14\frac{8}{10}$	per Passenger per mile.
2d	do.	8	...
3d	do.	6	...

By the returns given above, we find that the average receipts per head per annum from passengers was $19\frac{1}{4}$d.; and, since the average fare per head per mile is seven and a half tenths of a penny, it follows, that the average distance travelled by the passengers is twenty-five miles. By comparing this with the results of the traffic on the British lines, the effect of the lower fares is apparent. The second and third class on the latter, travel, on an average, distances of only twelve miles; on the Belgian lines, they move twice that distance. On the Belgian lines merchandise supplies forty per cent of the gross revenue; on the British lines it supplies thirty-seven per cent. The chief part of the revenue derived from passengers on the Belgian, as well as on the British lines, arises from short traffic. This, in effect, will be found to prevail generally, wherever railways are brought into operation. It follows from what we have proved above, that the great majority of travellers on the Belgian lines, are those whose excursions are under twenty-five miles. The gross annual revenue per mile, on the Belgian railways, is only L.1290, being less than half the amount received on the British lines. Yet the net profit on the capital is but little less.

By a system of most judicious and liberal management, these railways have been rendered eminently serviceable to the country in the transport of every description of merchandise.

Admirable arrangements are made for the safe, expeditious, and cheap delivery of every package and parcel at the address of the consignee, who is subject to no additional or arbitrary

expense whatever, beyond the amount of the tariff, which varies, of course, according to the nature of the goods; but in all cases is on the lowest scale. The effect of these measures has been conspicuously apparent in the rapid augmentation of this department of transport. In 1841, before they were matured, the total receipts for merchandise was L.19,000. In 1844 its amount was L.177,800! Before the establishment of the Eastern branch of the railway, the highest amount of heavy goods sent to the German frontiers, by the old conveyances, was twelve thousand tons: in 1844 the amount transported was sixty-seven thousand five hundred tons! In 1842, before the railway took the traffic, the amount of light goods was one hundred and ninety-four thousand tons: in 1844 it exceeded five hundred thousand tons.

Although this general cheapness of transit necessarily entails on the passenger trains a diminished speed, compared with that which British railway travellers are accustomed to enjoy, considerable expedition is nevertheless effected. The mean speed of the passenger trains, while in full motion, is estimated at twenty miles an hour, and the rate, including stoppages, at seventeen and a half miles an hour.

The progress of this new instrument of social and national advancement in France, has not hitherto been commensurate with the position and pretensions of that great country. How far this backwardness is ascribable to the genius of her institutions; or to the distractions to which her Government has been exposed, and the engrossing nature of the political questions which have occupied her Chambers since the Revolution of July; or, in fine, to a salutary foresight and enlightened caution, which prompted the policy of waiting to profit by the errors, and reap the harvest of the dearly-paid-for experience, of Great Britain, we shall not stop to enquire. Whatever may have been the cause, she has unquestionably before her advantages of no ordinary magnitude and importance, arising from it.

Previously to 1830 a few railways had been constructed and worked in some of the mining districts of France similar to those which had long been used in the northern counties of England. It was not, however, till about the year 1836, that the true character which steam transport on railways was destined to assume, began to reveal itself to her government. The wonders of the Liverpool and Manchester line had been noised abroad. Its expedition and cheapness were the theme of general conversation. It was, however, regarded as in some measure an exceptional case, and few believed in its capability of general

application. It was not until the railway from Paris to St Germain (twelve miles) brought these effects under the very eyes of the Parisians, that a true sense of the importance of this improvement in locomotion was excited. This was soon followed by the opening of several other short lines—such as those from Paris to Versailles, from Montpelier to Cette, and from Alais to La Grand Comté.

At length, the government, being fully alive to the importance of this new way of internal communication, it was resolved, in 1842, that a system of railways should be planned and executed. With this view, it was determined, that from Paris as a centre, main branch lines should issue, to be directed to those points of the frontiers, by land and sea, that should best serve the purposes of foreign commerce; and that the demands of the interior should be consulted in the courses which these lines should follow in passing through it, and in the various ramifications which they should throw off. In accordance with this plan, six great lines would issue from the capital. The first, proceeding northwards to the Belgian frontier, would unite with the railways of that state, near Lille and Valenciennes. Branches from Amiens and Lille would communicate with the Channel at Boulogne, Calais, and Dunkirk; thus opening a rapid and easy communication with England, and affording a means of transit with the fifth commercial port, and the great granary of the northern section of the kingdom.

The object of the second great artery was to open a communication with Spain. 'When,' said the minister of public works in 1838, 'Spain, restored to tranquillity, shall be 'able to renew with France those commercial relations which 'must contribute so largely to the wealth of our southern de-'partments, what great results may we not expect from a rail-'way from Paris to Bayonne, carrying the fruits of our industry 'at a low price into the frontier provinces of Spain! What 'beneficial influences, also, may not this new way of communica-'tion exert upon the political relations of the two countries—'relations which every day proves the necessity of rendering 'more numerous and more close!' This line was to proceed from Paris southwards, through Orleans, Tours, Poitiers, Angoulême, and Bordeaux, to Bayonne,—throwing off branches to Nantes and Vierzon.

The eastern line would pass through Champagne and Lorraine, connecting Paris with Strasbourg and Bâle, with a branch to Metz; thus forming a direct communication with the Rhenish frontier, and uniting with the system of German railways. It

was expected by this to share that traffic which now flows through the Belgian lines from Antwerp and Ostend to the Rhine.

A line to be carried from Paris to Brest, through Rennes, would afford to the products of the western provinces a passage to the Atlantic; in addition to that afforded by the branch of the great southern line directed on Nantes.

Between the southern and eastern lines just mentioned, is included a tract of country, more than one hundred leagues in width, occupied by a dense and industrious population, and covered with a fertile soil. To enrich this tract, easy ways of communication alone are wanting. It was, therefore, decided to carry through it another great central line, which should extend to the base of the Pyrenees, thus opening a way to Saragossa and the central parts of Spain.

Finally, the western line would be directed upon Rouen, with branches to Havre and Dieppe; thus completing the system of communication with the ports of the Channel and the Atlantic.

Such were the lines designed to issue from Paris as a centre. It was determined to complete the great communication of the country by two main lines proceeding from Marseilles, one leading to the Atlantic at Bordeaux, and the other communicating by Lyons with Switzerland, Alsace, and Northern Germany; and running into the eastern line from Paris, at Dijon.

By the line from Marseilles to Bordeaux, it is intended to join the Mediterranean with the Atlantic, to put in close connection the two chief ports of France, and to aid in restoring to Bordeaux its former importance. This line will throw out two branches on Tarbes and Perpignan, by which the communications with Spain will be completed.

By the line proceeding from Marseilles to the east, it is intended to supply a means of internal transport for the commerce of the Levant; which has been hitherto supplied to Europe chiefly through the port of Marseilles. The line of railway from Vienna to Trieste, carried, as it will be, through the heart of the German States, and having unbroken communication with the Baltic and the Northern seas, threatens to divert the Levant trade from Marseilles to Trieste. The line to which we now advert is designed to avert this loss.

Such is the system of railway communication which has been projected in France. Let us now see what progress has been made in its realisation.

It appears by a statement published by M. Teisserenc, a member of the Superior Railway Commission, and which may be considered as having an official character, that at the end of 1844, the total length of the railways open to the public, in

progress of construction, and projected and recognised by the legislature, but not commenced, was as follows :

	Miles.
Open for commerce, ...	537
In progress of construction, ...	1837
Planned	961
Total length of the contemplated system,	3335

The total amount of capital absorbed by the 537 miles then open, was £11,464,000. The average capital per mile was, therefore, £21,348. Assuming that the remainder of the system will be constructed at the same rate, which will probably be the case, the total amount of capital invested will be L.71,195,580. Since the end of 1844, nearly 300 miles more have been opened for traffic; and it is expected that at the end of the present year 1846, the total length of French railways open for commerce will be nearly 1000 miles.

To find the general financial averages resulting from the operation of the French railways, we have taken four hundred miles of those which have been used a sufficient time to afford annual returns; and the results are as follows :

Total cost of construction, and material per mile, . .	L.21,400
Gross annual receipts per mile, . .	2,114
Annual expenses per mile, . .	1,106
Annual net profit per mile, . .	1,008

Taking these amounts in proportion to the capital sunk, and to each other, we find :—

Annual receipts, . .	10	per cent of capital sunk,
Annual expenses, . .	52	per cent of receipts,
Annual profits, . .	48	per cent of receipts,
Profits, . .	$4\frac{7}{10}$	per cent of capital.

It appears, therefore, that the average net profits on the capital invested, is about $4\frac{3}{4}$ per cent, and that a little more than half the gross receipts go to defray the current expenses of the lines.

In comparing these conclusions with the current returns of particular lines, it is necessary not only to remember that they are average results, but that the financial condition of each line fluctuates from year to year. Generally, the best lines give improving returns.

When the entire system as designed by the State has been completed, the following results must ensue, in order that the capital to be invested may produce a net 5 per cent annual profit :

Capital invested in 3335 miles, at L.21,348 per mile,	L.71,195,580
Gross annual receipts, . . .	7,416,207
Gross annual expenses, . . .	3,856,424
Net annual profits, . . .	2,559,783

The population of France being thirty-four millions, this will require an annual expenditure of L.218,000 on railway transport, for every million of inhabitants.

The legislature has fixed the major limit of the fares chargeable to passengers as follows:

	Tenths of a penny.
1st Class, per Passenger per mile, . .	16
2nd	12
3d	$8\frac{8}{10}$

The companies are obliged by law to supply covered carriages, with curtains at the windows, for third-class passengers. These carriages are decidedly superior in convenience and comfort, to the second-class carriages on the British railways. Taking the returns of the traffic of the principal lines now in operation, we find that the average sum received from each passenger is 30d. Now, if we take the average fare per head per mile, at twelve-tenths of a penny, we shall find that the average distance which each passenger travels is twenty-five miles. Short passenger traffic is, therefore, the main source of the railway revenue here, as elsewhere.

The proximity of Belgium and France has necessarily rendered the British public more or less familiar with the extent of the system of railways already in operation in these States. Few, however, have any distinct notion of the advancement of railway transport in the other States of Europe; and still fewer, of the vast system which is designed to be executed by the Germanic states;—of which a very considerable part is already in a forward state of construction. Although these States are united by community of manners, race, and language, yet, being under different Sovereigns, and subject to different administrations, they have not proceeded with this great improvement, with that unity of design which has marked the proceedings in France. Each government has acted for itself independently of the others. Nevertheless, partly from the physical character of the countries, and partly from the distribution of the population and seats of industry, and a consequent harmony of interests, these separate and independent measures have of themselves assumed a considerable uniformity of plan; and the Germanic states will erelong be overspread by one of the most magnificent

systems of interior communication of which Europe can afford any example.

The Austrian system consists of what may be called four great arteries or lines, which meet at Vienna; and from thence proceed north, south, east, and west. The southern line, passing through Gratz and Laybach, terminates at Trieste. The northern directs its course by Prague, on the frontiers of Saxony,—throwing off a branch to form a union by Olmutz with the great line through Prussian Silesia. These two lines, running north and south, are destined to form part of a more extensive meridional line, by which the Adriatic will be united with the northern seas. The two arteries which run east and west will connect Vienna with the confines of Hungary, by Pesth and Debreczin, and with Munich, by Lintz. By these a profitable communication will be opened with those rich and hitherto inaccessible tracts of eastern Europe intersected by the valley of the Danube, —possessing vast pasturages, regions fertile in wheat, maize, and rice, flourishing plantations of hemp and tobacco, and extensive vineyards.

Nor has Austria neglected to extend similar improvements to her Italian possessions. A line of railway, measuring nearly two hundred miles, will traverse the Lombardo-Venetian territory, connecting Venice with Milan, and communicating by easy steam navigation with the *terminus* of the great northern and southern line at Trieste. That the Austrian government may have been moved to confer this great benefit on northern Italy by other motives than those of a desire to promote the well-being of its people, is very possible; but, be this as it may, results greatly beneficial to them must ensue.

We here annex a view, taken from recent documents, of the actual state of the railways within the Austrian dominions:

	Total length. Miles.	Completed & open for commerce. Miles.
Vienna to Trieste, (finished to Gratz,)	335	148
Northern Line, . . .	497	190
Vienna to frontier of Bavaria, .	194	16
Eastern Line, . . .	311	84
Venice to Milan, . . .	190	19
Vienna to Tirnan by Presburg, .	51	51
Grunden to Prague by Lintz and Budweis,	286	156
Budweis to Prague, . .	71	—
Total, . . .	1935	664

In the system of railways projected by Prussia is apparent the

combined views suggested by the military traditions of its former sovereigns, and the commercial spirit of northern Germany, of which it is the centre. To throw its distant provinces, bordering on the constitutional states of Belgium and France, in more immediate relation with the central government, lines issuing from Berlin will rest upon the Rhine at Cologne and Frankfort-on-the-Maine; the one communicating with the network of Belgian lines, by the railway to Aix-la-Chapelle, and the other with the French lines by the railway of the Taurus. The former is completed, with the exception of the line between Cologne and Minden. Another main line issues from Berlin eastwards, directed towards Russia and the Polish provinces, by Frankfort-on-the-Oder, Posen, Dantzic, and Konigsberg. This line is in a forward state of progress.

There are three other lines partially or totally executed. Two proceed from Berlin to Hamburg and Stettin respectively, and the third will put the capital in immediate communication with Silesia, and unite with the great northern Austrian line already mentioned. It is in this way that the continuous communication between the Mediterranean and the North Sea and the Baltic will be completed.

	Total length. Miles.	Length open for traffic. Miles.
Berlin to Stettin, . . .	89	89
... to frontier of Saxony, . .	94	94
... to Austrian frontier by Frankfort and Breslau,	323	240
Breslau to Saxon frontier, . . .	66	25
... to Fribourg, . .	36	36
Berlin to Potsdam and Magdeburg, . .	80	16
... to Hamburg, . . .	174	—
Leipsic to frontier of Brunswick, . .	110	110
Cologne to Belgian frontier, .	54	54
... to Bonn, . . .	20	20
Dusseldorf to Elberfield, . . .	17	17
Total, . . .	1063	701

Besides these, which are already planned and in actual progress, there are several other lines in contemplation by the Prussian government. Among them may be mentioned a more direct line from Berlin to Dresden, by Iüterbogt and Riesa; the line from Cologne to Minden, and the line from Lippstadt to Cassel.

We have lately seen the traffic returns, and other accounts, to 31st December 1845, of eleven principal Prussian lines, which were open throughout that year,—the total length of which is

600 miles. The total cost of constructing these has been L.5,640,000, being at the rate of L.9400 per mile. The gross receipts for passengers, was L.306,570, and for merchandise, L.179,980. The number of passengers booked was 4,006,814. The amount, therefore, received per passenger was 19d. Thus, the average distance travelled by each passenger does not exceed twenty miles,—showing again that short fares are the main source of railway revenue. The quantity of merchandise transported was 475,000 tons, for which L.17,980 were paid; being at the average rate of 7s. 6d. per ton. Taking the average rate of the traffic at 2½d. per ton per mile, this would show that the average distance to which the goods have been transported was thirty-six miles. The expense of working these lines was L.285,000, which, deducted from the gross receipts, left a net profit of L.201,550, giving a dividend of 5½ per cent on the capital: a portion of the expense of constructing the lines was defrayed by loans obtained at 4 per cent.

The Bavarian system of railways consists of three great trunk lines, which intersect the kingdom in different directions. The first rests at one extremity on the Lake of Constance, at Lindau; and at the other, unites with the Prusso-Saxon system at Hof—traversing in its course, Augsburg, Donauworth, Nuremberg, and Bamberg. A great portion of this line is open for traffic. The second line crosses the kingdom east and west; joining, on the one side, the railways of Wirtemberg and Baden, and on the other, those of Austria. The third great line issues from Bamberg to Frankfort-on-the-Maine, where it unites with the numerous systems centring there.

Of this system of lines, the total length is	573 miles.
Length of the part open for commerce,	159 miles.

The enlightened zeal of the present monarch of Bavaria for every improvement which tends to advance the arts and civilisation, is well known. He appropriates each year, to the construction of this system of railways, a considerable revenue saved from his privy purse, and the public revenues of his kingdom.

The measures adopted by the more considerable of the Germanic states for the establishment of improved means of internal commerce, necessarily gave a corresponding impulse in the same direction to the smaller ones. Saxony and Hesse have undertaken the continuation of the great northern Bavarian railway from Hof to Leipsic, and of the Austrian line from Breslau to Leipsic by Dresden. Lines are also in progress connecting Dresden, Gorlitz, Chemnitz, Riesa, Bamberg, and Eisenach: also Dresden with Prague, Cassel with Frankfort-on-the-Maine,

Lippstadt, and Hanover. These small states have planned above a thousand miles of railway; more than one fourth of which is completed, and open for commerce.

The smaller northern states—Hanover, Brunswick, Mechlinburg, and the Hanse Towns—have not been backward in contributing their quota to this vast work. By a law passed by the Legislative Chamber of Hanover in 1842, the construction of a system of railways in that state was decided on. The main line is to run east and west, connecting Hanover with Brunswick, Magdeburg, and Minden. Another is directed northwards upon Hamburg by Lünebourg and Zell; another north-west on Bremen, and a short line to unite with the Cassel railway. These lines are all in a state of advancement, and considerable parts are already open for commerce.

In the Duchy of Brunswick, with a population not greater than an eighth of that of the British metropolis, there are already seventy-five miles of railway completed, or nearly so. The Duchy of Mechlinburg is traversed by the main line of railway from Berlin to Hamburg, and by a branch connecting Weimar with Berlin by Schwena and Boëtzenburg.

The Hanse Towns form a common centre for most of these lines; and in immediate connexion with them is the important line from Altona to Keil, with branches on Sleswig and Tonningen.

The total length of railways projected in these smaller states is 700 miles; of which about one-third is open for traffic.

To complete this view of the German railways, it remains to notice those of Baden, Wirtemburg, and the free city of Frankfort. The great Baden line runs parallel with the Rhine,—forming the continuation of the line from Cassel through Frankfort and Darmstadt. This line, which terminates at Bâle, passing through all the chief towns traversed by the Berg Strass, and lying between the Rhine and the Black Forest, is open for traffic throughout nearly its entire extent. Its object is to facilitate the communications of Germany with Switzerland and Italy. Another line, traversing Wirtemburg from south to north, issues from Frederickshofen on the Lake of Constance,—meets the Austro-Bavarian line at Ulm, and, passing through Stuttgard, terminates at Heidelburg, where it unites with the great Baden railway. Thus will be united Vienna, Munich, and Stuttgard, the three capitals of southern Germany; while a similar chain of lines unites Berlin, Warsaw, Dresden, Hamburg, and the other capitals of the north. The total length of railways projected by Baden, Wirtemberg, and Frankfort, is 500 miles, of which above 200 are completed.

According to the work of Baron Von Reden, to which we are indebted for much valuable information concerning the railways of his country, the entire system of Germanic lines, when completed, will consist of 1600 German miles, equal to 7600 British miles, of railway. At the close of 1845, the part of this open for traffic was 4760 miles. When the system shall have been completed, one-third will have been constructed by the state, and two-thirds by companies under the authority of, and subject to, the control of the state. The total amount of capital absorbed by this great undertaking, will be L.74,793,600, being very nearly at the rate of L.10,000 per running mile. The average cost of the part already constructed has been very little above L.8000 per running mile.

The low cost of construction, as compared with the railways of France and England, is due, in a great measure, to the low price of the land, and the inferior rate, generally, of the wages of common labour. On the other hand, however, the German States have to struggle with peculiar disadvantages. The country, in many places, has presented formidable engineering difficulties. The rails and road materials generally, as well as the machinery and the mechanicians, have to be imported from England and Belgium, and even from the United States of America. And the favourable circumstance of cheap hand-labour has been, in some degree, done away by the demand for it, created by the railways themselves. In 1844, eight millions of labourers were employed on the German railways; and their wages had then risen thirty-three per cent. Still the works proceed with speed and activity.

A movement affecting in so many important respects the social condition and commercial relations of states, could not take place among those to which we have adverted, without being shared more or less by the other countries of Europe. Russia, Denmark, Holland, Switzerland, the Italian States, and even the Peninsula, have shown signs of their consciousness of the expediency of some similar undertakings. Several of them have already taken active measures in the construction of lines through their respective territories; and those which have not gone so far have caused surveys to be made, and other preliminary steps to be taken. Sweden stands alone quiescent among the nations of Europe.

The system of Russian railways projected, and in progress of construction, consists of four principal lines. The first will be carried from St Petersburg to Warsaw, and thence to Cracow, where it will unite with the northern chain of German lines; thus opening a continuous communication with all the chief cities of

central Europe. Of this line, a large part of the section between Warsaw and Cracow is completed, and the remainder in a forward state of progress. The second line will connect Petersburg with Moscow: this is nearly completed. The third line will be the continuation of the Austro-Hungarian line to Odessa. The fourth line, intended for goods only, will connect the Volga and the Duna. The total length of this system of railways will be sixteen hundred miles.

The example of Belgium necessarily attracted the attention of Holland to the subject of railway communication, and suggested the policy of at least attempting to share that German traffic which was established between the northern country and the sea, by the Belgian and Prussian chain of railways. The Dutch Chambers were not, however, as keenly sensible of these advantages as the Sovereign, and declined to give the desired legislative encouragement to such enterprises. Under these circumstances, William I. gave his personal guarantee to a Company which undertook the line from Amsterdam to Rotterdam; which was opened in successive sections to Harlem in 1839, to Leyden in 1842, to the Hague in 1843, and to Rotterdam in 1844. The length of this line is fifty-three miles, and is laid down for a double line of rails; one line, however, being only laid for the present. The cost of the line (with two lines of rails) will be little more than L.5000 per mile, exclusive of the stock. This low cost is owing to the easy nature of the ground, which requires no engineering works of any considerable cost.

The line from Amsterdam to the frontier of Prussia is completed, and open as far as Arnheim, a distance of fifty-eight miles. This was constructed by the State, but afterwards leased to an Anglo-Dutch Company. The capital invested being L.800,000, the cost is L.15,000 per mile. Privileges have been granted to companies for the construction of various other lines.

In a late session of the Second Chamber of the States-General, the Minister of the Interior announced the approaching execution, through the instrumentality of private companies, of a complete system of railways; surveyed and laid out under the immediate superintendence of the government,—the total capital to be invested in which would amount to from six to seven millions sterling.

Passing over the Italian States and Portugal, where little has yet been done in railway undertakings, we shall only add, as to Spain, that if behind other European powers in the improvement of inland transport at home, she has not been so supine in her colonies. A railway, forty-five miles in length, was constructed

across the most fertile part of the beautiful island of Cuba, so early as 1838, and has since been in constant use. It is difficult to convey any adequate impression of the effects produced on the mind of the traveller as he is carried over this natural garden, in a way so little to be expected, amid such scenery. Emerging from the Tacon suburbs of the Havanna, he traverses fields of pine-apples, bordered by hedgerows bending under the burden of the ripe orange, and sprinkled at intervals with the banana, the plantain, and the Cocoa-tree. These are alternated with sugar plantations and tobacco. Through this scene, redolent of the Tropics, and calling up the historic recollections of Columbus and his adventurous companions, he is whirled at the rate of twenty miles an hour, by machines bearing the name of a Manchester manufacturer, impelled by fuel from Lancashire, and worked by an engineer from Newcastle-on-Tyne! The swarthy African, as the strange apparition passes him, pauses from his toil, and gazes at it with a wonder which time and custom can hardly abate.

The advantages which railway transit presents on the score of expedition, economy, and certainty, have, in the estimation of a considerable portion of the public, not only in England but elsewhere, been regarded as subject to a serious drawback and qualification, in consequence of the terrible character of the accidents which have from time to time occurred. The circumstantial details of cases, circulated in highly-coloured accounts by the daily press, are certainly calculated to raise much apprehension. We shall now, therefore, lay before the public such data of a well-ascertained nature, as may enable every one endowed with common sense and reflection, to decide on the actual nature and degree of danger to which he exposes his person when he makes a journey by railway conveyance.

By the official reports of the Belgian Railways we find that 6,609,215 passengers travelled on these lines between 1835 and 1839. Of this number fifteen were killed and sixteen wounded by railway accidents. But of these numbers twenty-six were persons employed on the road or in working the trains. Only three passengers were killed and two wounded. The chances of the death of a passenger from railway accident were therefore 1 to 2,203,215. In 1842, the number of passengers was 2,716,755. Of these three only were killed, one of whom was a suicide, and the other two met their deaths by crossing the line.

On the French lines, the deaths from accident have been still more rare. According to an official return for the first six months of 1843, upon the six lines which issued from the capi-

tal, of which the total length was 212 miles, the circulation had amounted to 18,446 trains, which transported 1,889,718 passengers. The distance travelled over was 316,945 miles. No traveller was either killed or wounded. Only three agents of the railway suffered.

It may not be uninteresting to put in juxtaposition with this, the returns of accidents produced by ordinary horse-coaches, travelling in Paris and its environs:

Year.	Killed.	Wounded.
1834	4	134
1835	12	214
1836	5	220
1837	11	361
1838	19	366
1839	9	384
1840	14	394
Total, -	74	2073

On the English railways, of which the extent and traffic are much greater, the absolute number of accidents fatal or injurious must of course be expected to be more numerous. But we shall find, by referring to the Parliamentary returns, that the actual amount of danger to life or limb, on English railways, is quite insignificant. We take the following Statement from the last return of the Railway Department to Parliament:

Years.	Number of Accidents.	Number of Persons Injured.			Number of Miles of Railway open.	Total Number of Passengers carried.	Proportion of the Number of persons injured to the total number carried.
		Killed.	Injured, not Fatally.	Total.			
1840. (five months.)	28	22	131	153	1330	6,029,866	1 in 39,410
1841.	29	24	72	96	1556¼	20,449,754	1 in 213,018
1842.	10	5	14	19	1717½	21,358,445	1 in 1,124,128
1843.	5	3	3	6	1798½	25,572,525	1 in 4,262,087
1844.	34	10	74	84	1912¾	30,363,052	1 in 356,702
1845.	15	2	30	32	2118¼	16,720,550	1 in 522,517

It appears, therefore, that the chance in favour of the safety of travellers who conduct themselves with ordinary prudence, is half a million to one.

It may perhaps be asked, what is the kind or degree of prudence or caution expected from railway travellers, as more especially necessary to their security. We answer, as the result of rather large experience of railway travelling in nearly every

part of the globe, that the best general rule is to *keep your place in the carriage, if possible, to the end of your journey; never getting out and in at stations, except when indispensably necessary.*

Among the numerous questions which have arisen out of the conflicting interests engaged in railway speculations in England, there is one which demands some notice, were it only on account of the extraordinary extent to which it has lately engrossed public attention. Nothing can more strikingly demonstrate the profound and general interest felt in every thing connected with railways than the bitterness which has marked a contest, in which dispassionate and disinterested parties would find it difficult to discover any ground for a reasonable doubt as to the proper decision to be come to.

We have seen that there were in operation, at the close of last year, about 2100 miles of railway. In the construction of 1860 miles of these, the space between the rails was fixed, in accordance with that adopted in the earlier lines, at 56½ inches; an uniformity rendered necessary in order to enable engines and carriages freely to pass from line to line throughout the country. A line called the Great Western had been laid down through a certain tract of the country, with an exceptional width (or gauge as it has been called) of 84 inches; and from this line subsequently branches were extended, having, of necessity, the same gauge. It was, of course, evident from the beginning, that this system of exceptional lines, now amounting to 240 miles, by the adoption of a different gauge, dissociated itself from all other British railways; the commerce of which could never flow into it, nor could they receive from it any commerce except by transshipment. It was said at the time, by the superintending engineer of these lines, that the departure from the ordinary gauge was 'undoubtedly an inconvenience. It amounts to a prohibition to almost any railway running northward from London; as they must all, more or less, depend for their supply on other lines or districts where railways already exist, and with which they must hope to be connected. In such cases there is no alternative. The Great Western Railway, however, broke ground in an entirely new district in which railways were unknown. * * * It can have no connexion with any other of the main lines; and the principal branches were well considered, and almost formed part of the original plan; nor can these be dependent on any other existing lines, for the traffic which they will bring to the main trunk.' *

* *Report of J. K. Brunel to Directors of Great Western Railway.* 1838.

The commercial isolation of this exceptional system was, therefore, contemplated by the engineer and directors, and consequently no inconvenience to themselves or the public was feared. Indeed none, in that case, would have ensued. But, in the event, the development of railway transport far transcended the anticipations of the engineer and directors of the exceptional gauge, as well as all the rest of the world; and, contrary to their expectations, the ramifications of the general gauge have already come into contact with those of the exceptional gauge; and experience has proved Mr Brunel to have fallen into a serious error, when he declared, so explicitly, that the exceptional system could never derive its traffic from the general lines of the country. One point of contact has been produced, and a line of others must ensue. The question then arises, what is to be done?

The narrow strip of England, extending westward from London towards Bristol and Exeter, where the exceptional system of railways now prevails, is about to be insulated from the remainder of the country, north and south. It will be, so far as regards railway communication, as though it were separated from the rest of the kingdom by a river, too wide and too deep to be crossed by a bridge. The commerce between it and the districts north and south must be conveyed by ferries at each point, on the banks of this river, where the railways respectively abut. Passengers arriving on either side must leave their carriages, taking with them their *impedimenta*, great and small—such as great-coats, umbrellas, parasols, and carpet-bags. And all this must happen night and day, in fair weather and in foul. The wife and children must, equally in the pelting storm, and in the darkness of night, bustle their way through the mud from the one train to the other. The trains of merchandise must all be unloaded and unpacked on one side, and reloaded and repacked on the other; to the loss and damage of the owners, and delay and cost of transit; for *some one* must pay for all this labour, and who that some one shall be, it is not difficult to tell. Regiments of porters must be maintained at these limits of the region of the exceptional gauge; and must be relieved by relays from time to time, for the work will be incessant night and day. And this is to be going on perpetually through the year, and from year to year, as long as railways shall endure, along a boundary line running on both sides parallel to a main railway, 200 miles long!

But it may be asked, whether there is no countervailing advantage to set off against this intolerable evil? A long

and expensive inquest has been held on the matter by the Queen's Commissioners, duly appointed, and a ponderous mass of evidence has been collected. The result is, that either the ordinary or the exceptional system of railway affords all the safety, comfort, regularity, and speed which the public can possibly desire; that they both have ample power and capacity to satisfy all the wants of commerce which either exist or can be reasonably anticipated. The partisans of each system contend for relative superiorities in various respects; but the differences claimed, are so minute as to be discoverable only by those pledged to the success of the one system or the other; and are such as cannot, in the remotest degree, interest the public.

The magnitude of the nuisance, then, being admitted on all hands, and the utter impracticability of all expedients suggested for its abatement, nothing remains but to remove it; either by replacing the general gauge of the country by the exceptional gauge, (which would render necessary the enlargement of all bridges, viaducts, tunnels, embankments, and cuttings, and a reconstruction of the stations and depots,) or to bring the rails on the 240 miles of exceptional lines closer together, and modify the carriages and engines accordingly. The former measure is of course out of the question, but the latter could be accomplished, without interruption to the traffic, at a cost of something less than a million sterling.*

It is contended, however, that the exceptional lines having been constructed under the sanction of an act of Parliament,

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* The question of the relative merits of the two gauges, involving many complicated points of practical engineering, is one upon which all that part of the world beyond the immediate profession of civil engineers, can only judge by the weight of authority on the one side and the other among the members of the profession itself. Perhaps there never was a question on which so little real practical difference of opinion prevailed. Nearly the entire profession of England are in favour of the ordinary gauge. A few, *were it all to do again*, would have adopted a somewhat wider, but not the exceptional gauge. But none would now think of disturbing the uniformity which all agree to be of paramount necessity. The engineering profession of France, Belgium, the Germanic States, and other countries of Europe, and that of America, have adopted the ordinary gauge, (56½ inches,) although *they* were free to have selected a wider one. Thus, so far as regards engineering authority, we have in one scale the entire engineering profession in every country in the world; and in the other, the solitary individual authority of Mr Brunel.

the shareholders could not with justice be required to subject themselves to such an expense for the common good; that still less could the shareholders of other lines be so required. We are not disposed, nor will our limits allow us, to discuss this question of vested rights. But it appears to us very evident, that the British public cannot, and ought not to suffer itself to be made the victims of this nuisance; and that if the expense of its abatement can be obtained, consistently with justice, from no other quarter, it must come from the public treasury.

When the earlier railway bills passed the legislature, the privileges and rights contemplated, as well by the companies as by Parliament, were merely those necessary to enable them to construct and maintain a road, which was to be open to all who might desire to use it, on the payment of a certain toll to the company. In fact, at that time, a railway presented no condition or features to distinguish it essentially from any other highway. But simultaneously with the construction of these roads, the invention and improvement of the machinery for transport on them, made advances. The locomotive engine broke its shell and emerged in its incipient form. Its growth was rapid and precocious. The vehicles which it drew, and in which the business of transport was executed, were novel. In a word, a system of carrying mechanism, of an entirely new structure, was produced. This mechanism was made for the railway, and the railway was made for it. The system had unity and connexion. It was impossible to separate it; and the carrying business could only be conducted by those who had the direction and management of the railway. The companies, therefore, found themselves—by a necessity arising from the very nature of things, and whether they liked it or not—carriers as well as road-owners. Not only was this the case, but they were necessarily the *only* carriers. It was impossible even to imagine the public bringing their private engines and private carriages on the road. A colossal monopoly, never contemplated by Parliament, nor even foreseen by the companies themselves, had come into being.

The moment that it became apparent, in the practical results of the operation of railways in England, that these lines of communication must displace, in a great degree, if not altogether, the public highways, as well for the conveyance of passengers as for the transport of merchandise, it was perceived, in other countries, that the right of the state over all high-roads, must be equally asserted over the new ways of intercommunication which were about to be substituted for them. But a further and more stringent power was every where claimed, as the

consequence of the inevitable establishment of the monopoly of transport on these roads. The state must either assume that monopoly itself, as it does universally in regard to the conveyance of the Correspondence of the public; or if it were conferred on private bodies, it must be under rigorously prescribed conditions and for limited periods. Such were the broad general principles assumed, admitted, and acted upon, in every country of the world—*Great Britain alone excepted.*

In some cases, it was the policy of the state to reserve to itself not only the construction but the maintenance and working of the principal railways. An obvious advantage attended this. If it seemed expedient to the legislature, the transport of goods and persons might be used as a source of revenue; as the conveyance of correspondence generally has. Or, if the state were guided by a different policy, and considered facility of intercommunication an advantage paramount to revenue, it could fix the tariff so that the net produce would merely pay the expense of the transport. Thus, as England sacrificed a proportion of her revenue for the public advantage of a *penny postage*, other countries might consider it good to establish a system of *penny travelling*. The indirect advantages to the exchequer might more than balance the revenue lost.

Belgium acted on this principle with complete success. All the principal railways of that country are in the hands of the state; and the tariff is so regulated as to produce about four per cent interest, on the capital invested in the construction of the lines.

In cases where the state decides against working the railways, it sometimes, wholly or partially, constructs them; and then lets them for a term of years, to a company who pays a premium for the lease, and completes the lines at its own charge, if they are unfinished. In these leases, there are various clauses restricting the powers of the company,—reserving a right of revision to the state, fixing the major limit of the fares, the conditions on which the state can cancel the lease, and the terms on which the line is to be surrendered by the company at its termination.

In Austria, the railways were, in the first instance, conceded to companies on leases for fifty years. But, subsequently, the government recovered by purchase the roads, and now for the most part the railways are under the control and management of the state.

In Prussia, the construction and management of railways are conceded to companies, subject to the control of the state. The tariff is subject to revision by the government, and the profits

are not in any case to be allowed to exceed ten per cent. The companies submit their accounts annually to the Minister; and when, by a sinking fund established on prescribed conditions, the capital has been replaced, the tariff is to be so modified that the profit shall not exceed the expenses of working the lines.

In Bavaria, the lines are leased to companies for a term of years, the tariff being revised by the state annually, for the first three years after the opening of each line, and subsequently every third year. Privileges are in some cases conceded to companies—such as exemption from, or reduction of, the import duties for materials, and gratuitous occupation of the state lands. In some cases the state levels the ground at its own charge; in others, it executes the earth-works. In fine, the establishment of railways is generally a matter of bargain between the state and the company. The latter receives a lease for a term of years, for which it pays a certain premium. This premium is expended in the total or partial construction of the road. It submits to certain clauses authorising the interference of the state with its tariff; and at the expiration of the lease, receives a fair value for its stock of moving power and machinery for transport.

In France, the system of railways, with a few exceptions, has been planned, and in many cases constructed, by the government, through the intervention of the department *des ponts et chaussées*. Ultimately the line is offered to competition by the Minister of public works, who names the major limits of the duration of the lease, and rate of the tariff. The company or individual who, complying with the other conditions, offers in sealed proposals to accept the shortest lease, obtains the grant.

Before the successful establishment of some of the earlier passenger lines, the French government found it necessary to extend some further inducements to attract capital to these enterprises. Thus, in the cases of the lines from Paris to St Germain, Versailles, Rouen, and Orleans, leases of ninety-nine years were granted. Since, however, the results of these first lines have become known, and capital has been elsewhere more generally attracted to railway enterprises, the state has effected much more advantageous bargains. The great northern line to Brussels has been taken on a lease of thirty-eight years; the Orleans and Bordeaux on a lease of twenty-eight years; the line from Tours to Nantes on a lease for thirty-four years. Of the entire system of French lines, there are not more than one hundred and twenty miles granted in perpetuity; and these are chiefly coal and mineral railways,—established long before lines for passengers and general traffic were contemplated.

In the United States, the state governments have generally

reserved, in one form or another, a right of control over railways. In some cases, they are themselves the chief shareholders; in some, they have lent to the companies capital at a low rate of interest; in some they have given the guarantee of the state for the capital raised. In all such cases, the right of control is admitted. In some cases, the dividends are limited to ten per cent, the legal interest of money being six or seven per cent. In some cases there is reserved a right of revision of the fares every four years. In some of the principal states—New York, Pennsylvania, and Virginia, for example—the charters of the companies contain a clause investing the legislature with an absolute right at any time of modifying them. Subject to such conditions, the railway charters in some states are not limited in duration; but in the principal states the duration varies from fifty to one hundred years.

By the system so wisely pursued in France, and most other countries, the advantages arising from private enterprise are combined with sufficient security for the public, against the abuse of the powers intrusted to railway companies. Not only is a general power of supervision and control reserved; but the tenure of the companies being limited in duration, the entire internal communications of the country must revert to the state after a certain period. Thus, at the expiration of forty years, all the chief railways of France will be in the hands of the government; and in about ninety years, private companies will cease to exist,—unless such as the government may think fit to re-constitute.

It thus appears, that England is the only country in the world whose legislature has committed the singular imprudence, of surrendering, without available conditions, and for an indefinite time, its public communications into private hands. That such monopolies can continue to exercise the powers granted to them, without the abuses to which all monopolies have been obnoxious, is not to be conceived. There are already tendencies manifested to struggle for the private objects of these bodies, against the fair claims and interests of the public. The railway companies, as they first acquired their rights of incorporation, were numerous. Each line was a separate property, and ruled by a separate Board of Directors. Although it appears that no such thing as a competing line is practicable, yet in this multitude of lines, there might be expected something approaching to competition; many small monopolies, it might be hoped, would check each other. The practice of amalgamation and combination which has begun already to prevail so extensively, must, however, dispel these hopes. The lesser companies are several y gravitating towards, and coalescing with the greater bodies; and instead of a great

number of small monopolies, in which the system commenced, it is now tending towards a small number of great monopolies, in which it must ultimately terminate.

The indisputable existence of these monopolies, and the liability of the abuse of their powers to the prejudice of the public, necessarily seems to infer the assumption of a corresponding control on the part of the legislature; for to suppose the indefinite continuance of an arbitrary power over the personal and commercial communications of the country, exempt alike from the operation of competition and legislative control, is an absurdity too palpable to be, by any one, seriously asserted.

It may, however, be contended that no case for interference has yet arisen, and that, when it occurs, it will be time enough to provide for it. But is it not certain, that measures have been already taken to neutralise the competition of the canals in the transport of merchandise? It was proved before Mr Morrison's committee, that some of the companies have already succeeded in getting possession of portions of canals, on which they have raised the tolls to their parliamentary limit; thereby paralysing the business of the entire line, and driving the traffic to the railway, on its own terms. It is proved also, that in order to evade the provisions, few and ineffectual as they are, which the Legislature has made to check the evils of their monopoly, the larger and more powerful companies have created fictitious shares in enormous numbers, so as to make their capital appear larger, and their profits consequently smaller, and thus to exclude parliamentary interference, in the only case in which it was contemplated.

It may be said, that as Parliament has established limits to the tariff of railway traffic, so long as the companies keep within these, they should be subject to no interference. To this, however, it may be answered, that when these limits were fixed, the legislature had no sufficient data by which an equitable amount could be established. Can it for a moment be maintained, that if, by any new inventions, railways could be constructed by the expenditure of half the capital sunk on those now open, and worked at half the present current expense, the public would not have right to demand a proportionate reduction in the carrying tariff?

'If a new line could in any case be constructed for half the expense of an existing line, or, supposing the expense to be the same, if it were constructed by parties who would be satisfied with a dividend of five instead of ten per cent, parliament is bound to sanction the new line, unless the company make a corresponding reduction in the fares on the present line. One or other of these results must take place: for if the

principle be true, that capital will force its way into those employments which yield more than the ordinary rate of profit, it will be impossible to maintain the monopoly and the high charges of the old companies.' *

The fares on British Railways are higher than on any other European lines. The first-class fares are sixty-three per cent higher than those on the French and German railways, seventy-five per cent higher than the Belgian, one hundred per cent higher than the Italian, and one hundred and sixty per cent higher than on the Danish lines. The second-class fares are fifty per cent higher than those of France and Germany, and one hundred and twenty per cent higher than those of Belgium and Denmark. They are one hundred per cent higher than those of Italy. The third-class fares are sixty-six per cent higher than in Belgium, one hundred per cent higher than in Denmark and Italy, thirty-three per cent higher than in Germany, and fourteen per cent higher than in France. In no other country are the working-classes conveyed in a manner so discreditable to humanity, and to the true interests of the carriers themselves. In short, it is evident that the abuses which have at all times and every where attended monopolies, have already manifested themselves in our Railway management, and are certain to augment, to the great prejudice of the public.

It would be folly to close our eyes upon the fact, that the British public has committed a serious error, in permitting the Legislature to proceed from session to session, in the course of legislation which has prevailed in regard to railways. With an enlightened public, a vigilant and free press, an unrestricted right of discussion and petition, and the habit of the legislature to wait for the expression of public sentiment on such matters, it would be unjust to throw upon Parliament, or the administrations of the day, the exclusive blame of the mistake that has been committed. The public itself must bear the principal share of that blame. What is the actual state of the case? A new method of intercommunication was discovered, infinitely exceeding all former methods in cheapness, expedition, certainty, and regularity. Surely this rare opportunity ought to have been seized, to procure the establishment by law of a suitable administrative body, under which a prudent system of inland communication might be constructed. But what, in fact, has been done? In this, the most active country in the world, with a press absolutely free, with unparalleled facilities for the diffusion of knowledge, and the most perfect of all representative governments, we have passively surrendered the entire system of national

* *Morrison*, p. 12.

highways, without a single practicable reservation or exception, into the hands of a number of private individuals, to deal with us and our posterity, so far as respects our intercourse with each other, as may seem best to them and their heirs, now and for ever. England has ceased to possess highways. The country is intersected only by roads, which no one can use except by the permission and on the conditions prescribed by their owners!

Although it be not till the eleventh hour, still, the attention of Parliament has been called to this most important subject; and measures are in progress which, it may be hoped, will correct these evils, as far as retrospective legislation can correct them. The right of Parliament to establish a system of reasonable control over the inland communications of the country, cannot, as we conceive, be denied. All practicable competition having ceased to be possible, administrative control must supply its place. A Board of Railway Control must be established. But, to be really useful, it must be invested with powers much more extensive than those possessed by the late railway department of the Board of Trade. The great object of the government should be, to bring the power of such a body to bear on the existing railway companies, in such a manner as to protect the public from the abuses incidental to them, without violating in spirit that contract, whatever it may be, which they may have made with the State. The benefit of such a system of control, rightly administered, will not be confined to the public as opposed to the monopoly of the companies. It will extend to the companies themselves,—some of which have already discovered that the maximum of profits is not necessarily attained by the maximum of fares; and that it is possible to consult the interests of the Public, by moderating *their tariffs*, without endangering their prospective dividends.

NOTE to the First Article.

This Article was wholly written and printed early in August last, which is here mentioned to account for its taking no notice of the subsequent proceedings of Parliament respecting its subject.

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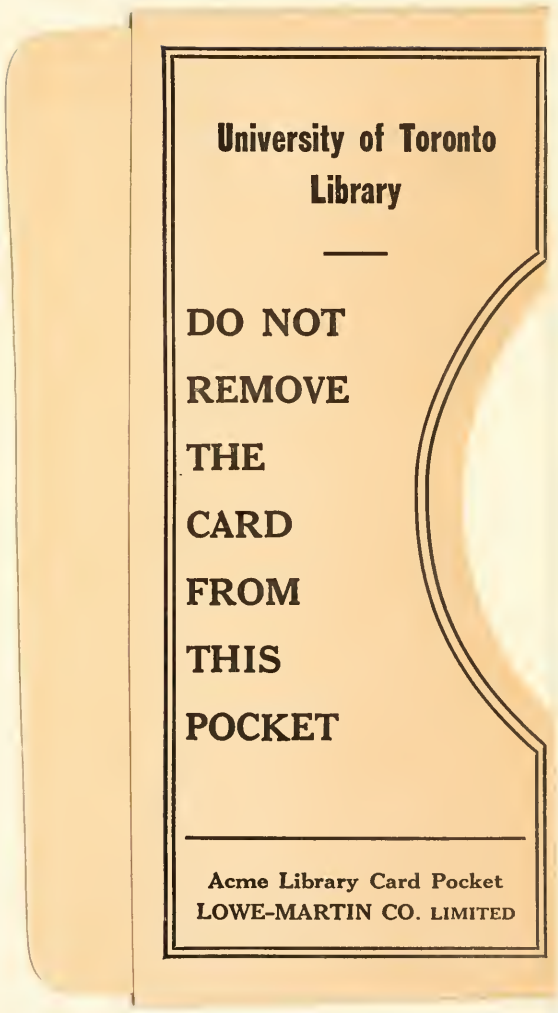
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